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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)
Plaintiff,)
VS.) CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
ERIC H. HOLDER, JR., in his) Three-Judge Court
official capacity as Attorney)
General of the United States,)
Defendant.)
ERIC KENNIE, et al.,)
Defendant-Intervenors,)
TEXAS STATE CONFERENCE OF)
NAACP BRANCHES, et al.,)
Defendant-Intervenors,)
TEXAS LEAGUE OF YOUNG VOTERS)
EDUCATION FUND, et al.,)
Defendant-Intervenors,)
TEXAS LEGISLATIVE BLACK)
CAUCUS, et al.,)
Defendant-Intervenors,)
VICTORIA RODRIGUEZ, et al.,)
Defendant-Intervenors.)

ORAL DEPOSITION OF
DENISE DAVIS
JUNE 14, 2012

ORAL DEPOSITION of DENISE DAVIS, produced as a

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1 witness at the instance of the Defendant, and duly
2 sworn, was taken in the above-styled and numbered cause
3 on the 14th day of June, 2012, from 10:07 a.m. to 4:19
4 p.m., before Jean Thomas Fraunhofer, CSR in and for the
5 State of Texas, reported by machine shorthand, at the
6 Law Offices of DECHERT LLP, 300 West 6th Street, Suite
7 210, Austin, Texas 78701, pursuant to the Federal Rules
8 of Civil Procedure and the provisions stated on the
9 record or attached hereto.
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A P P E A R A N C E S

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3 FOR THE PLAINTIFF:
4 PATRICK K. SWEETEN
Assistant Attorney General
5 ATTORNEY GENERAL OF TEXAS
P.O. Box 12548
6 Austin, Texas 78711
Tel: (512) 936-1307
7 Email: Patrick.sweeten@oag.state.tx.us
8
9 FOR THE DEFENDANT:
10 RISA BERKOWER
ANGELA MILLER
Trial Attorneys
11 U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
12 Washington, DC 20530
Tel: (202) 305-0115
13 Email: Risa.berkower@usdoj.gov
14
15 FOR THE DEFENDANT-INTERVENOR: TEXAS LEAGUE OF YOUNG
VOTERS EDUCATION FUND,
16 ADAM M. HARRIS
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON, LLP
17 One New York Plaza
New York, New York 10004
18 Tel: (212) 859-8953
Email: Adam.harris@friedfrank.com
19
20 FOR SPEAKER STRAUS:
21 THOMAS R. PHILLIPS
BAKER BOTTS
22 98 San Jacinto Boulevard, Suite 1500
Austin, Texas 78701
23 Tel: (512) 322-2565
Email: Tom.phillips@bakerbotts.com
24
25

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I N D E X

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| <p style="text-align: center;">5</p> <p>1 DENISE DAVIS,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 BY MR. HARRIS</p> <p>4 MR. HARRIS: Good morning, Ms. Davis. As</p> <p>5 I told you before, I'm Adam Harris from the law firm of</p> <p>6 Fried, Frank, Harris, Shriver & Jacobson. We represent</p> <p>7 the Texas League of Young Voters Education Fund,</p> <p>8 defendant-intervenors in this litigation. Would</p> <p>9 everyone in the room identify themselves, please?</p> <p>10 MS. BERKOWER: Risa Berkower for the</p> <p>11 Attorney General, Eric Holder.</p> <p>12 MS. MILLER: Angela Miller for the</p> <p>13 Attorney General, Eric Holder.</p> <p>14 MR. PHILLIPS: Tom Phillips for Joe Straus</p> <p>15 and the House of Representatives or such members and</p> <p>16 former members of the staff as he may designate.</p> <p>17 MR. SWEETEN: Patrick Sweeten on behalf of</p> <p>18 the State of Texas and on behalf of the witness.</p> <p>19 MR. LEVY: Jonathan Levy, summer</p> <p>20 associate, Baker Botts.</p> <p>21 EXAMINATION</p> <p>22 BY MR. HARRIS</p> <p>23 Q. Mrs. Davis, can you please state your full name</p> <p>24 for the record?</p> <p>25 A. Denise Davis.</p> | <p style="text-align: center;">7</p> <p>1 given a deposition before, I will skip the various</p> <p>2 housekeeping rules -- housekeeping and ground rules,</p> <p>3 but, you know, to the extent there's an issue throughout</p> <p>4 the deposition, we can always talk about that, then I</p> <p>5 guess I would remind you, if you need a break at any</p> <p>6 time, I'll be happy to take one. Please let me know.</p> <p>7 A. Okay.</p> <p>8 Q. Where did you go to law school?</p> <p>9 A. University of Texas.</p> <p>10 Q. When did you graduate?</p> <p>11 A. 1992.</p> <p>12 Q. Can you list the jobs that you've held since</p> <p>13 graduating law school in 1992?</p> <p>14 A. Yeah. I was a drafting attorney or legislative</p> <p>15 counsel for the Texas Legislative Council and --</p> <p>16 Q. Approximately what years did you hold that</p> <p>17 position?</p> <p>18 A. 1993 to 1996. And then I went to work for the</p> <p>19 Senate Jurisprudence Committee as committee director and</p> <p>20 counsel, so from '97 to basically early 1998, somewhere</p> <p>21 around that time.</p> <p>22 Q. What was the next position you held?</p> <p>23 A. Director and counsel to the Texas Judicial</p> <p>24 Council from around 1998 until 2000 -- the end of 2000.</p> <p>25 Q. And what was your next position?</p> |
| <p style="text-align: center;">6</p> <p>1 Q. And can you give your address, please?</p> <p>2 A. 58 Country Oaks Drive, Buda, Texas, 78610.</p> <p>3 Q. Ms. Davis, you are an attorney; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Are you currently licensed to practice in</p> <p>7 Texas?</p> <p>8 A. Yes.</p> <p>9 Q. Are you licensed to practice in any other</p> <p>10 states?</p> <p>11 A. No.</p> <p>12 Q. Have you ever given a deposition before?</p> <p>13 A. Yes.</p> <p>14 Q. How many times?</p> <p>15 A. Once.</p> <p>16 Q. Can you tell me about that case?</p> <p>17 A. It was a -- just a civil suit with just a -- it</p> <p>18 was a builder.</p> <p>19 Q. With what?</p> <p>20 A. A construction lawsuit between us and a</p> <p>21 contractor.</p> <p>22 Q. I see. Was that a lawsuit that you were</p> <p>23 involved in your personal capacity?</p> <p>24 A. Yes.</p> <p>25 Q. Well, given that you are an attorney and you've</p> | <p style="text-align: center;">8</p> <p>1 A. General counsel for the lieutenant governor</p> <p>2 from 2000 until -- from January -- from 2001 until</p> <p>3 January of 2003.</p> <p>4 Q. And after serving as general counsel for the</p> <p>5 lieutenant governor, what was the next position that you</p> <p>6 held?</p> <p>7 A. Deputy parliamentary -- Deputy House</p> <p>8 parliamentary from 2003 to 2004 and then House</p> <p>9 parliamentary from January 2004 until May of 2007, and</p> <p>10 then from the fall of 2007, special counsel at Baker</p> <p>11 Botts until January of 2009. Then back to House</p> <p>12 parliamentary from January of 2009 until January of</p> <p>13 2010, and then chief of staff from January 2010 until</p> <p>14 March of 2010.</p> <p>15 Q. When you say chief of staff --</p> <p>16 A. For the speaker.</p> <p>17 Q. And that's Speaker Straus, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Throughout your legal career have you ever had</p> <p>20 any particular experience with election or voting law?</p> <p>21 A. I don't -- What do you mean? Just reading the</p> <p>22 Statutes or --</p> <p>23 Q. Well, starting with your time as drafting</p> <p>24 counsel or counsel for the Legislative Council -- for</p> <p>25 the Texas Legislative Council, excuse me, did you have</p> |



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| <p style="text-align: center;">9</p> <p>1 any particular responsibility for drafting legislation 2 related to Texas elections? 3 A. Not that I recall, no. 4 Q. How about in your capacity as committee 5 director for the senate judiciary? Was it jurisprudence 6 committee? 7 A. Senate jurisprudence. 8 Q. What is the subject matter that the 9 jurisprudence committee covers? 10 A. Well, back then it was mostly tort. The 11 jurisdiction's changed, so this was way back, but it was 12 mostly tort law and courts -- jurisdiction and 13 administration of the court system, things like that. 14 Q. You said that you were director of the Texas 15 Judicial Council? 16 A. Right. 17 Q. What is the Texas Judicial Council? 18 A. They are -- They do policy for the judiciary, 19 so they do things like public access to court records, 20 judicial compensation, judicial -- what I would call 21 judicial management, emergency management, things like 22 that, budget for the courts, technology. 23 Q. In your capacity as general counsel for the 24 lieutenant governor, what were your duties in that role? 25 A. Redistricting, working on that, tort issues,</p> | <p style="text-align: center;">11</p> <p>1 mean, matters of procedure, and when the parliamentary 2 is unavailable, you would -- you sit in for the 3 parliamentary whether they are not available. 4 Q. Is the parliamentary an employee of the 5 speaker? 6 A. The parliamentary is a House officer, so they 7 work for the House of Representatives. 8 Q. Is it correct that in or around May of 2007, 9 you resigned your position as parliamentary? 10 A. Yes. 11 Q. Can you tell me why you resigned? 12 MR. SWEETEN: In answering the question, I 13 don't want you do reveal any communications you had with 14 legislative staff as the parliamentary or any 15 communications that you've had with state agencies, with 16 Texas legislative counsel. Those would be subject to 17 the legislative privilege, and as we've discussed, any 18 members of the House or legislative staff, okay? 19 THE WITNESS: Okay. 20 MR. SWEETEN: So don't reveal any 21 communications. Also, there is -- another element to it 22 is legislative privilege. You are protected from having 23 to provides information related to your mental 24 processes, motivations about legislation or a 25 legislative act. So be mindful of that when answering</p> |
| <p style="text-align: center;">10</p> <p>1 open records, criminal law, general -- just regular 2 general counsel duties, personnel. 3 Q. In your capacity as general council to the 4 lieutenant governor, did you have any experience with 5 the Voting Rights Act? 6 A. Probably only as it related to redistricting, 7 but I can't remember directly what it would be. 8 Q. What do you recall about your involvement with 9 redistricting as general counsel to the lieutenant 10 governor? 11 A. Just advising on the floor proceeding and the 12 calendar, just general advice. 13 Q. Okay. How is it that you came to be deputy 14 House parliamentary? 15 A. I was asked to be. I was just asked by the 16 person that was going to be parliamentary if I would 17 be his deputy parliamentary. 18 Q. What is the House parliamentary? 19 A. They are a House officer, and they interpret 20 the rules and precedents, and they advise the presiding 21 officer on matters of rules and procedure and process. 22 Q. And as deputy House parliamentary, what would 23 your duties include? 24 A. You would assist the parliamentary, do some 25 research on procedural issues and matters of policy -- I</p> | <p style="text-align: center;">12</p> <p>1 the question and you can answer the question to the 2 extent you are not revealing those privileges. 3 A. Okay. Ask it again. 4 MR. HARRIS: Sure. I will ask the court 5 reporter to read it back. 6 THE REPORTER: Can you please restate it? 7 I'm having problems with the computer. 8 Q. I believe the question was can you briefly tell 9 me why you resigned your position as House 10 parliamentary in 2007? 11 A. I just felt like it would be better -- in the 12 best interests of the House for someone else to serve 13 that role. 14 Q. There were press reports in or around 2007 15 describing a letter that Speaker Tom Craddick had sent 16 you regarding your obligation with respect to 17 attorney-client privilege and that letter was published 18 in the press. Do you recall that? 19 A. Yes. 20 Q. And did you consider yourself to have an 21 attorney-client relationship with Speaker Craddick? 22 A. I considered myself to have the relationship -- 23 a confidential relationship with the speaker, 24 legislative privilege. 25 Q. And I believe you said that in the fall of '07</p> |



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| <p style="text-align: center;">13</p> <p>1 you became special counsel at Baker Botts; is that</p> <p>2 right?</p> <p>3 A. Yes.</p> <p>4 Q. What sort of work did you do there?</p> <p>5 A. Just a general corporate practice, some</p> <p>6 governmental relations, but mostly legal research.</p> <p>7 Q. At that time did you work on any issues</p> <p>8 relating to election or voting law?</p> <p>9 A. No.</p> <p>10 Q. And what were the circumstances under which you</p> <p>11 came back to become House parliamentarian again in 2009?</p> <p>12 A. There was a new speaker, and the House wanted</p> <p>13 an experienced parliamentarian, so I -- I was available</p> <p>14 to come back.</p> <p>15 Q. Is it correct that when you came back as House</p> <p>16 parliamentarian in 2009, you also held the title of</p> <p>17 special counsel?</p> <p>18 A. Yes.</p> <p>19 Q. Was that special council to the speaker of the</p> <p>20 House?</p> <p>21 A. No, to the House.</p> <p>22 Q. What were the circumstances under which you</p> <p>23 switched from being the House parliamentarian and</p> <p>24 special counsel to the House to becoming chief of staff</p> <p>25 to Speaker Straus?</p> | <p style="text-align: center;">15</p> <p>1 Q. A speaker can vote on legislation, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Can he vote on all legislation or only certain</p> <p>4 legislation?</p> <p>5 A. All.</p> <p>6 (League Exhibit 2 marked.)</p> <p>7 Q. I'd like this document to be marked as Texas</p> <p>8 League -- I think we are up to 2.</p> <p>9 Ms Davis, the court reporter just handed</p> <p>10 you Exhibit 2. Take a moment to look this over. I'll</p> <p>11 represent to you it is not the entire document, but,</p> <p>12 rather, excerpts, but my first question is do you</p> <p>13 recognize what this excerpted document is?</p> <p>14 A. Yes.</p> <p>15 Q. What is it?</p> <p>16 A. It's -- It's portions of the House rules.</p> <p>17 Q. And who the writes this document?</p> <p>18 A. Well, the members write it, but the ledge</p> <p>19 council drafts what the members want them to write.</p> <p>20 Q. And is there something that the members of the</p> <p>21 House have to vote on?</p> <p>22 A. Yes.</p> <p>23 Q. And he see on the cover page here that this</p> <p>24 refers to the -- to the 81st legislature?</p> <p>25 A. Yes.</p> |
| <p style="text-align: center;">14</p> <p>1 MR. SWEETEN: You can answer the question.</p> <p>2 Just don't reveal any sort of attorney-client privilege</p> <p>3 or legislative privilege matters in doing so, okay?</p> <p>4 A. The sitting chief of staff wanted to go back to</p> <p>5 the private sector, and I was experienced and I was</p> <p>6 there and I -- I got -- I was asked to do it.</p> <p>7 Q. And what were your duties as chief of staff to</p> <p>8 Speaker Straus?</p> <p>9 A. You manage the staff, administrative role --</p> <p>10 play an administrative role for the speaker of the</p> <p>11 House. You just -- What I would call just general</p> <p>12 duties of the speaker's office, oversee those, work with</p> <p>13 the speaker on matters of policy and work with the other</p> <p>14 House officers and --</p> <p>15 Q. Can you describe the speaker's role in the</p> <p>16 House?</p> <p>17 MR. SWEETEN: You can answer as a matter</p> <p>18 of general parliamentary procedure.</p> <p>19 A. He is the preceding officer of the House.</p> <p>20 Q. What are his duties as preceding officer?</p> <p>21 A. He oversees the daily operations of the House</p> <p>22 and works with the leadership to determine what issues</p> <p>23 go before the House, and he in consultation with the</p> <p>24 parliamentary rules on matters of procedure before the</p> <p>25 House.</p> | <p style="text-align: center;">16</p> <p>1 Q. Do you know what year that would have covered?</p> <p>2 A. That would have been 2009.</p> <p>3 Q. And you were House parliamentarian at that</p> <p>4 time; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Could you please turn to the second page, what</p> <p>7 I've handed you? But the page number at the bottom is</p> <p>8 18.</p> <p>9 A. Yes.</p> <p>10 Q. And look at Section 9. It says, "The</p> <p>11 parliamentarian is an officer of the House who serves at</p> <p>12 the pleasure of the speaker." What does it mean to be</p> <p>13 an officer of the House?</p> <p>14 A. It means that you work for the entire House as</p> <p>15 an institution.</p> <p>16 Q. The next sentence says that the</p> <p>17 parliamentarian -- and I'm sorry, the aspect of the</p> <p>18 sentence, it says, "serves at the pleasure of the</p> <p>19 speaker." Does that mean that the speaker has the</p> <p>20 authority to terminate you as parliamentarian?</p> <p>21 A. Yes.</p> <p>22 Q. And then the next sentence says,</p> <p>23 "Parliamentarian shall advise and assist the presiding</p> <p>24 officer and/or the members of the House on matters of</p> <p>25 procedure." I believe earlier you said that the speaker</p> |



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| <p style="text-align: center;">17</p> <p>1 is generally the presiding officer; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. What does it mean to "advise and assist either</p> <p>4 the presiding officer and/or the members of the House on</p> <p>5 matters of procedure"?</p> <p>6 A. It means is that you answer questions, do</p> <p>7 research, things like that.</p> <p>8 Q. When the House is in session, does the</p> <p>9 parliamentarian sit on the floor?</p> <p>10 A. Yes.</p> <p>11 Q. Do you -- or I guess in your capacity as</p> <p>12 parliamentarian, did you always sit on the floor when</p> <p>13 the House was in session?</p> <p>14 A. No.</p> <p>15 Q. How frequently would you sit on the floor when</p> <p>16 the House was in session?</p> <p>17 A. The majority of the time the parliamentarian is</p> <p>18 on the floor when the House is in the session.</p> <p>19 Q. So you said that one of the jobs of the</p> <p>20 parliamentarian is to answer questions for members. Is</p> <p>21 it ever the parliamentarian's role to intervene in the</p> <p>22 proceeding without a question having been asked? So,</p> <p>23 for instance, you are viewing the proceedings and you</p> <p>24 think something is happening that violates a procedural</p> <p>25 rule of the House, can you -- I guess the legal term</p> | <p style="text-align: center;">19</p> <p>1 rules describing the official role of the</p> <p>2 parliamentarian in prior versions of the rules and</p> <p>3 precedents of the Texas House?</p> <p>4 A. Well, it covered the parliamentarian's role</p> <p>5 prior to that because the parliamentarian is an employee</p> <p>6 of the council and then in '09, they did a specific</p> <p>7 provision for the parliamentarian, but the</p> <p>8 parliamentarian is a legislative council employee, and</p> <p>9 so they -- prior to that time, Section 10 was used for</p> <p>10 interpreting that, the role of parliamentarian.</p> <p>11 Q. I believe you said that your first job out of</p> <p>12 law school was as a drafting counsel for the Texas</p> <p>13 Legislative Council; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. First of all, what is the Texas Legislative</p> <p>16 Council?</p> <p>17 A. It's a legislative support agency for the Texas</p> <p>18 legislature.</p> <p>19 Q. What role does the Texas Legislative Council</p> <p>20 perform for the legislature?</p> <p>21 A. They do technology, computer support. They do</p> <p>22 research. They draft resolutions. They do legal work,</p> <p>23 legal research.</p> <p>24 Q. As drafting counsel, what was your duties at</p> <p>25 the Texas Legislative Council?</p> |
| <p style="text-align: center;">18</p> <p>1 would be sua sponte, but let's say on your own could you</p> <p>2 intervene somehow?</p> <p>3 MR. SWEETEN: You can answer as a matter</p> <p>4 of parliamentary procedure. Don't reveal your specific</p> <p>5 discussion regarding specific legislation. Go ahead.</p> <p>6 A. Well, under the rules it states you can advise</p> <p>7 the presiding officer, so you could advise the presiding</p> <p>8 officer if there was something going on that you had</p> <p>9 issues about.</p> <p>10 Q. Reading from the next sentence, it says, "The</p> <p>11 parliamentarian has a duty of confidentiality to the</p> <p>12 speaker and to each member of the House and shall keep</p> <p>13 confidential all requests made by members of the House</p> <p>14 for advise for guidance regarding procedure unless the</p> <p>15 parties otherwise agree." Does that sort of in a</p> <p>16 nutshell capture what you were describing before when</p> <p>17 you said you had duties of confidentiality to the House</p> <p>18 and to members of the House?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know when this rule, this Section 9,</p> <p>21 describing the role and duties of the parliamentarian</p> <p>22 became an official part of the rules of the Texas House?</p> <p>23 A. The Rule 9, I think, it was actually enacted in</p> <p>24 '09.</p> <p>25 Q. Do you recall whether there were any similar</p> | <p style="text-align: center;">20</p> <p>1 A. I drafted criminal law and juvenile justice and</p> <p>2 human services.</p> <p>3 Q. How would you decide what resolutions or bills</p> <p>4 to draft as a general matter?</p> <p>5 A. The members would make the request for bills to</p> <p>6 be drafted and then you would take their drafting</p> <p>7 instructions and draft.</p> <p>8 Q. Are you aware of any time when the Texas</p> <p>9 Legislative Council would take it upon itself to draft a</p> <p>10 bill without a specific request from a member?</p> <p>11 A. I don't know.</p> <p>12 Q. Did you ever draft any legislation on your own</p> <p>13 that you thought of?</p> <p>14 A. As a legislative counsel?</p> <p>15 Q. Correct.</p> <p>16 A. No.</p> <p>17 Q. And I apologize if we've already covered this,</p> <p>18 but did you draft any bills in your time with the Texas</p> <p>19 Legislative Council relating to either the Texas</p> <p>20 Election Code or Texas elections in general?</p> <p>21 A. Not to my knowledge. I did criminal law and</p> <p>22 juvey justice, things like that.</p> <p>23 Q. In general without referring to any specific</p> <p>24 decision you made as parliamentarian, when you would get</p> <p>25 a request for advice from a member, what would you do at</p> |



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| <p style="text-align: center;">21</p> <p>1 that point?</p> <p>2 MR. SWEETEN: Object. Compound, vague,</p> <p>3 but go ahead. You can answer the question as a matter</p> <p>4 of general procedure.</p> <p>5 A. Oh, consult the rules and the law.</p> <p>6 Q. And when you say "the law," we've obviously</p> <p>7 talked about the rules. What other sources of law would</p> <p>8 you refer to?</p> <p>9 A. Constitutional. The Constitution.</p> <p>10 Q. Would you ever look to case law?</p> <p>11 A. Occasionally, you could, but rarely -- rarely</p> <p>12 would you get into case law. It's usually procedural.</p> <p>13 Q. Did you receive any specialized training in</p> <p>14 order to become either deputy parliamentarian or</p> <p>15 parliamentarian?</p> <p>16 A. No.</p> <p>17 Q. Do you know if there exists any specialized</p> <p>18 training one could take to become a parliamentarian?</p> <p>19 A. To become House parliamentarian?</p> <p>20 Q. Yes.</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. There is a senate parliamentarian as well,</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. How familiar are you -- or during your time as</p> | <p style="text-align: center;">23</p> <p>1 Q. If an issue came -- In general, when issues of</p> <p>2 proper procedure in the House came up, would you ever</p> <p>3 consult the Senate parliamentarian as to the proper</p> <p>4 ruling?</p> <p>5 A. In a House matter?</p> <p>6 Q. Correct.</p> <p>7 A. Not to my knowledge.</p> <p>8 Q. How about vice versa? Did either Mr. Fisher or</p> <p>9 Ms. Corina Davis ever consult with you regarding an</p> <p>10 issue of either interpretation of the Senate rules or</p> <p>11 proper procedure in the Senate?</p> <p>12 A. Not to my knowledge, no.</p> <p>13 Q. What did you do to prepare for your deposition</p> <p>14 today?</p> <p>15 A. Just met with counsel and came here.</p> <p>16 Q. And you are represented here today by</p> <p>17 Mr. Sweeten; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. Is anyone else in the room representing you</p> <p>20 today?</p> <p>21 A. I guess technically in my capacity as chief of</p> <p>22 staff, Tom Phillips.</p> <p>23 Q. Are you currently chief of staff to the</p> <p>24 speaker?</p> <p>25 A. No.</p> |
| <p style="text-align: center;">22</p> <p>1 a House parliamentarian and deputy parliamentarian, how</p> <p>2 familiar were you with the rules of the Senate?</p> <p>3 A. Vaguely -- Vaguely familiar with those.</p> <p>4 Q. In general, did you have any interaction with</p> <p>5 the Senate parliamentarian?</p> <p>6 A. Yes.</p> <p>7 Q. What the sort of interaction did you have with</p> <p>8 the Senate parliamentarian?</p> <p>9 A. We would talk on the phone, consult about the</p> <p>10 flow of and consideration of bills to make sure the</p> <p>11 House and the Senate were, you know, operating in a way</p> <p>12 that was efficient.</p> <p>13 Q. How frequently would you talk to the Senate</p> <p>14 parliamentarian when the House was in session?</p> <p>15 A. Probably once or twice a week maybe.</p> <p>16 Q. During your time as House parliamentarian</p> <p>17 between 2004 -- Let's start with the first period. From</p> <p>18 2004 to 2007, do you recall who the Senate</p> <p>19 parliamentarian was during those years?</p> <p>20 A. I believe it was Walter Fisher and then Corina</p> <p>21 Davis. Corina.</p> <p>22 Q. Then how about when you returned as House</p> <p>23 parliamentarian in January of 2009 through January of</p> <p>24 2010?</p> <p>25 A. Corina Davis.</p> | <p style="text-align: center;">24</p> <p>1 Q. What is your current job?</p> <p>2 A. I'm in private practice.</p> <p>3 Q. As an attorney?</p> <p>4 A. Yes.</p> <p>5 Q. Can you tell me briefly what sort of practice</p> <p>6 you have now?</p> <p>7 A. I have a small practice that is a regulatory</p> <p>8 and corporate practice.</p> <p>9 Q. And going back to what you did to prepare for</p> <p>10 this deposition, I think you said you met with</p> <p>11 Mr. Sweeten.</p> <p>12 A. Yes.</p> <p>13 Q. How many times did you meet with Mr. Sweeten?</p> <p>14 A. Twice. Yesterday and today.</p> <p>15 Q. And when you met with Mr. Sweeten yesterday,</p> <p>16 how long did you meet yesterday?</p> <p>17 A. Maybe about an hour and a half.</p> <p>18 Q. Was anyone else present during that meeting?</p> <p>19 A. Stacey Napier and Tom Phillips.</p> <p>20 Q. I think you said you had a second meeting with</p> <p>21 Mr. Sweeten.</p> <p>22 A. Yes.</p> <p>23 Q. When was that?</p> <p>24 A. This morning.</p> <p>25 Q. How long did that meeting last?</p> |



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| <p style="text-align: center;">25</p> <p>1 A. 30 minutes.</p> <p>2 Q. Was anyone else besides yourself and Mr.</p> <p>3 Sweeten present during that meeting?</p> <p>4 A. Yes. The intern.</p> <p>5 Q. Without asking you to get into any specifics,</p> <p>6 did you review documents in preparation for this</p> <p>7 deposition?</p> <p>8 A. No.</p> <p>9 Q. I'd obviously like to talk to you a lot about</p> <p>10 the legislative process, specifically on the House side.</p> <p>11 Starting at the very beginning of the process, how does</p> <p>12 a bill get introduced in the Texas House?</p> <p>13 MR. SWEETEN: You can answer as a general</p> <p>14 matter.</p> <p>15 A. The bill gets referred or read by the -- Well,</p> <p>16 it gets filed with the clerk -- with the chief clerk and</p> <p>17 then it gets referred to a committee and then it at that</p> <p>18 point is in the jurisdiction of the committee to decide</p> <p>19 when they want to hear the billing and then at that</p> <p>20 point it comes out of the committee and goes to the</p> <p>21 calendar committee for consideration for House action --</p> <p>22 floor action.</p> <p>23 Q. You said a bill gets referred to a committee.</p> <p>24 Who makes the decision as to which committee to refer a</p> <p>25 bill to in the House?</p> | <p style="text-align: center;">27</p> <p>1 Q. What considerations would you take into account</p> <p>2 when helping the speaker decide which committee to</p> <p>3 assign a bill too?</p> <p>4 MR. SWEETEN: I'm going to object to</p> <p>5 compound. I'm also going to instruct you with respect</p> <p>6 to the legislative privilege, do not reveal the thought</p> <p>7 processes or mental impressions that took place with</p> <p>8 respect to any sort of specific legislation. If</p> <p>9 answering this question would do so, do not answer it,</p> <p>10 okay?</p> <p>11 A. Ask the question. What was the question again?</p> <p>12 Q. What considerations would you take into account</p> <p>13 when advising the speaker as to which committee a bill</p> <p>14 should be assigned to?</p> <p>15 A. You would just look at the House rules, see</p> <p>16 what -- the jurisdictional issues that there are.</p> <p>17 Q. Is it ever the case a committee's -- that a</p> <p>18 bill could fall under more than one committee's</p> <p>19 jurisdiction?</p> <p>20 A. Yes.</p> <p>21 Q. And how would you resolve that conflict as to</p> <p>22 which of the two or more committees to assign a bill to?</p> <p>23 MR. SWEETEN: Same instruction.</p> <p>24 A. I think you just look at each bill and confer</p> <p>25 with the speaker.</p> |
| <p style="text-align: center;">26</p> <p>1 A. The speaker.</p> <p>2 Q. And as a general matter what sorts of</p> <p>3 considerations does he take into account in deciding</p> <p>4 which committee to assign a bill to?</p> <p>5 MR. SWEETEN: Hold on a minute. The</p> <p>6 question asks for the speaker's thought process. If</p> <p>7 answering the question would impact any specific</p> <p>8 legislation and considerations taken with respect to</p> <p>9 specific legislation, my instruction would be not to</p> <p>10 answer the question. If you can answer as a general</p> <p>11 matter without discussing specific legislation, then</p> <p>12 I'll allow you to do so, but be mindful of the fact</p> <p>13 that -- do not reveal it if it would reveal his mental</p> <p>14 impressions.</p> <p>15 A. Okay. Under the House rules the speaker can</p> <p>16 confer with the parliamentarian to determine where bills</p> <p>17 go.</p> <p>18 Q. When you were House parliamentarian, first</p> <p>19 starting under Speaker Craddick, would he consult with</p> <p>20 you regarding which committee to assign a bill?</p> <p>21 A. Yes.</p> <p>22 Q. And how about under Speaker Straus, as House</p> <p>23 parliamentarian would Speaker Straus consult with you as</p> <p>24 to which committee a bill would be assigned to?</p> <p>25 A. Yes.</p> | <p style="text-align: center;">28</p> <p>1 Q. Stepping back for a moment, you said the first</p> <p>2 step in the process is that a bill is filed. Going back</p> <p>3 even earlier in the timeline, we talked about the Texas</p> <p>4 Legislative Council, but I would ask you in general who</p> <p>5 writes the bills that are filed in the House?</p> <p>6 A. Well, it could be anyone that could write it.</p> <p>7 It could be the member. It could be ledge council. It</p> <p>8 could be anyone.</p> <p>9 Q. What is a co-author?</p> <p>10 A. Co-author is someone that is -- that the --</p> <p>11 along with the author of the bill, they have their name</p> <p>12 on the bill, another member.</p> <p>13 Q. Is there a difference between a co-author and a</p> <p>14 joint author?</p> <p>15 A. I believe that the -- that there is -- that</p> <p>16 there are a limited number of co-authors that you can</p> <p>17 have on a bill. Five, I believe, or there's one author</p> <p>18 and four co-authors, and then you can have I believe an</p> <p>19 unlimited number of joint authors.</p> <p>20 Q. What is the sponsor of the bill?</p> <p>21 A. I'd have to look at the rules and tell you.</p> <p>22 It's been a long time.</p> <p>23 Q. I may have not have observed that about you,</p> <p>24 but I'm asking for your recollection if you have one.</p> <p>25 Well, is the person who introduces the bill, the bill's</p> |



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1 sponsor?

2 A. I believe that's the author of the bill is the
3 person that introduces and then you can have -- you can
4 have lots of sponsors and then -- but you can have a
5 limited number of co-authors, I believe, is how the rule
6 is interpreted.

7 Q. What significance is there to the date on which
8 a bill gets filed?

9 A. Well, that's when the author of the bill brings
10 the bill into the committee clerk's office and it gets
11 stamped by the chief clerk -- I'm sorry, of the House,
12 not the committee clerk. By the chief the clerk of the
13 House. That's when they bring the bill in and have it
14 stamped.

15 Q. Are there any reasons why a member would want
16 to file very early in the session as opposed to waiting
17 longer in time and filing it later?

18 A. Yes.

19 Q. And what would those reasons be as a general
20 matter?

21 MR. SWEETEN: Objection. Common, but go
22 ahead. You can answer as a general matter. Do not
23 reveal any information about a specific piece of
24 legislation.

25 A. It may be a high priority to the member in the

30

1 district or it just get it filed for whatever reason.
2 There are many numerous reasons depending on the
3 members.

4 Q. How long is the Texas House in session for?

5 A. 140 days.

6 Q. If someone were to introduce a bill, let's say,
7 on Day 138 with two days remaining in a session, as a
8 general matter could that impact the chances of that
9 bill going through the process in time for that session?

10 A. Do you mean would it? I don't understand your
11 question. You mean, would it pass? Is that what you
12 are asking?

13 Q. Well, I'm just asking is there any significance
14 as to how early a bill is filed in terms of the chances
15 that it will make it through the session in time prior
16 to the end of the session.

17 A. I think generally members want to file their
18 bills early.

19 Q. Have you ever heard of members camping out to
20 ensure that they get an early bill number?

21 A. Yes.

22 Q. What does that camping out refer to or what do
23 you recall about that?

24 A. I just -- I've heard of members bringing things
25 in and sleeping in line, I guess, to file bills.

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1 Q. Is it correct that bill numbers are assigned to
2 a bill in the order in which they are a filed?

3 A. Generally, yes. That's generally right.

4 Q. Do you recall members camping out to file --
5 Let's step back for a moment. Are you familiar with
6 bills in Texas relating to photo identification for
7 voters that voters must show at the polls?

8 A. Yes.

9 Q. Do you recall anyone camping out to file such a
10 bill?

11 A. No.

12 Q. Once a bill is referred to committee, what
13 happens then?

14 A. Once a bill is referred to committee, then it's
15 up to the committee and the chairman of the committee to
16 decide what to do with the bill.

17 Q. Are there normal procedures that committees
18 following in considering bills?

19 MR. SWEETEN: Objection. Compound. You
20 can answer as a general matter.

21 A. Yes.

22 Q. Where are those procedures?

23 A. Well, they decide what the -- when they want to
24 set it and who they -- which bills they want voted out
25 and what the testimony will be and that just general

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1 administrative things and beyond that it's up to the
2 chairman.

3 Q. If a bill is not voted out of committee, what
4 happens to it then?

5 A. It just stays there.

6 Q. If a bill is in fact voted out of committee,
7 what happens to the bill at that point?

8 A. It goes to the calendars committee.

9 Q. What is the calendar committee?

10 A. It's a procedure or committee that sets the
11 floor action of bills for consideration by the House and
12 recommends those for consideration by the House.

13 Q. When you say they recommend floor action or
14 consideration for the bill, what does that mean?

15 A. That means they set a calendar -- a daily
16 calendar for House action on bills.

17 Q. Is it possible that a bill could come out of
18 committee, but not be assigned by the -- for floor
19 action?

20 A. You mean come out of the committee and just go
21 to the calendars and stay in calendars?

22 Q. Correct.

23 A. Yes.

24 Q. To complete the process, let's say assuming
25 that the calendars committee sets the bill for floor



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| <p style="text-align: center;">33</p> <p>1 consideration, what happens at that point in the</p> <p>2 process?</p> <p>3 A. It gets puts on a calendar.</p> <p>4 Q. Is there more than one type of calendar?</p> <p>5 A. Yes.</p> <p>6 Q. What are the types of calendars?</p> <p>7 A. There's the emergency calendar, constitutional</p> <p>8 calendar. There is a whole system of calendars. I'd</p> <p>9 have to look at the rules, but there are several</p> <p>10 calendars. Emergency, constitutional, major state,</p> <p>11 general state, local and consent which is through the</p> <p>12 local and consent calendars committee.</p> <p>13 Q. As a general matter, what dictates which</p> <p>14 calendar a bill is assigned to?</p> <p>15 A. Well, the rules and the calendars committee,</p> <p>16 they consult the rules and they decide which bills go on</p> <p>17 the calendar.</p> <p>18 Q. What is the process for considering a bill when</p> <p>19 it's assigned to one of these calendars?</p> <p>20 A. You mean by the House?</p> <p>21 Q. Correct.</p> <p>22 A. Well, the speaker lays the bill before the</p> <p>23 House.</p> <p>24 Q. What does that mean?</p> <p>25 A. He lays the bill out and then recognizes the</p> | <p style="text-align: center;">35</p> <p>1 that correct?</p> <p>2 A. Yes.</p> <p>3 Q. I asked you before if there was any</p> <p>4 significance to the date on which a bill is filed -- You</p> <p>5 know, let's say a bill was filed or introduced on the</p> <p>6 last day of the session, would there be time -- could it</p> <p>7 even be possible that there would be time to go through</p> <p>8 this entire process of assigning a bill to a committee,</p> <p>9 voting it out of committee, referring it to the calendar</p> <p>10 committee, setting it for a floor vote, having a floor</p> <p>11 debate, having a floor vote, finally passing the bill</p> <p>12 and sending it to the Senate, is there a reasonable</p> <p>13 chance that, you know, a bill introduced that late in</p> <p>14 the session could be become law?</p> <p>15 MR. SWEETEN: Objection. Calls for</p> <p>16 speculation, but you can answer.</p> <p>17 A. I suppose if there was a suspension of the</p> <p>18 rules, I'd have to look at the Constitution, but it</p> <p>19 would be very difficult.</p> <p>20 Q. Are there ever times when bills are not</p> <p>21 referred to a specific committee, but instead are</p> <p>22 referred to a committee consisting of the entire House?</p> <p>23 A. Like a committee of the whole?</p> <p>24 Q. Correct.</p> <p>25 A. The rules do allow for a committee of the</p> |
| <p style="text-align: center;">34</p> <p>1 author of the bill to explain the bill to the members.</p> <p>2 Q. And assuming the bill is laid out and the</p> <p>3 author is recognized, is it always the case that a bill</p> <p>4 will get a vote by the House at that point?</p> <p>5 A. No.</p> <p>6 Q. What would prevent a bill from getting a vote</p> <p>7 even though it's already been laid out before the House?</p> <p>8 MR. SWEETEN: You can answer as a general</p> <p>9 matter.</p> <p>10 A. Oh, just a variety of issues. The member may</p> <p>11 not somebody ready. There may be amendments that they</p> <p>12 are working on. It could be a timing issue. Any number</p> <p>13 of issues.</p> <p>14 Q. Who decides when an ultimate vote by the entire</p> <p>15 House should occur on a bill?</p> <p>16 A. Generally, it's the member of the bill. The</p> <p>17 author of the bill will decide when they're ready.</p> <p>18 Q. And does the author of the bill have the</p> <p>19 authority to call a vote on the bill or does it require</p> <p>20 the speaker's involvement?</p> <p>21 A. It does.</p> <p>22 Q. It does require the speaker's involvement?</p> <p>23 A. Yes.</p> <p>24 Q. Assuming a bill is -- passes an entire vote of</p> <p>25 the House, at that point the bill goes to the Senate; is</p> | <p style="text-align: center;">36</p> <p>1 whole, but I don't have any memory of us ever doing</p> <p>2 that.</p> <p>3 Q. So starting with your time as House</p> <p>4 parliamentarian between 2004 and 2007, you don't recall</p> <p>5 any times when the House referred a particular bill to</p> <p>6 the committee of the whole House?</p> <p>7 A. I don't -- I don't remember that. I can't</p> <p>8 recall that at all.</p> <p>9 Q. How about between 2009 when you became House</p> <p>10 parliamentarian again through -- Well, I think you said</p> <p>11 your service as chief of staff to the speaker ended --</p> <p>12 was it March 2012?</p> <p>13 A. Yes.</p> <p>14 Q. So from the time you rejoined the House as</p> <p>15 parliamentarian through the time you left the speaker</p> <p>16 staff in March 2012, do you recall any times when the</p> <p>17 House referred -- or, excuse me -- the speaker referred</p> <p>18 a bill to the committee of the whole House rather than a</p> <p>19 particular committee?</p> <p>20 A. No.</p> <p>21 Q. Do you have any understanding as to why the</p> <p>22 rules of the House would permit a bill to be assigned to</p> <p>23 the committee of the whole House rather than a</p> <p>24 particular committee?</p> <p>25 A. No.</p> |



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| <p style="text-align: center;">37</p> <p>1 Q. Without referring to any particular</p> <p>2 legislation, were you ever asked to consider whether a</p> <p>3 particular bill should be assigned to committee of</p> <p>4 the whole rather than a particular committee?</p> <p>5 MR. SWEETEN: I think that calls for a</p> <p>6 matters of legislative privilege. I realize the preface</p> <p>7 doesn't, but then you are asking whether as to a</p> <p>8 specific piece of legislation she was ever asked to, so</p> <p>9 I'm going to instruct you as phrased not to answer the</p> <p>10 question.</p> <p>11 Q. Ms. Davis, you said that you recalled that laws</p> <p>12 concerning voter ID requirements for voters in Texas</p> <p>13 were introduced in legislature at some point during your</p> <p>14 time there; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Can you recall when the first such law was</p> <p>17 introduced?</p> <p>18 A. No.</p> <p>19 (League Exhibit 3 marked.)</p> <p>20 Q. I'd ask that this document be marked as Texas</p> <p>21 League Exhibit 3. And, Ms. Davis, please take a few</p> <p>22 minutes to look over this document.</p> <p>23 MR. SWEETEN: Adam, are we missing the</p> <p>24 last page of 1706 here?</p> <p>25 MR. HARRIS: I can't say for sure. I</p> | <p style="text-align: center;">39</p> <p>1 A. Yes. It was the 2005 session.</p> <p>2 Q. Was that the 79th session; do you recall?</p> <p>3 A. Yeah. I believe that's right.</p> <p>4 Q. Would looking at a legislative history of this</p> <p>5 bill help to reflect your recollection as to the</p> <p>6 procedural history?</p> <p>7 A. I don't know. I'm not sure.</p> <p>8 Q. Let's try.</p> <p>9 A. Okay.</p> <p>10 (League Exhibit 4 marked.)</p> <p>11 Q. I'd ask that this document be marked as League</p> <p>12 Exhibit 4. And, Ms. Davis, please take a few moments to</p> <p>13 look over these documents.</p> <p>14 A. Okay.</p> <p>15 Q. And, Mrs. Davis, that appears to be a</p> <p>16 legislative history of HB1706 from the 79th session; is</p> <p>17 that right?</p> <p>18 A. Yes.</p> <p>19 Q. And it looks like this is printed from the</p> <p>20 Legislative Privilege Library of Texas.</p> <p>21 A. Yes.</p> <p>22 Q. Do you have familiarity what that entity is?</p> <p>23 A. Yes. They're a legislative agency.</p> <p>24 They track legislation and do research.</p> <p>25 Q. Is that a state agency of the State of Texas?</p> |
| <p style="text-align: center;">38</p> <p>1 can't tell. It doesn't have the session on here. Looks</p> <p>2 like we are missing one page of this. Why don't we go</p> <p>3 off-the-record a few minutes?</p> <p>4 (Recess from 11:52 a.m. to 11:04 a.m.)</p> <p>5 MR. HARRIS: Since it appears that we are</p> <p>6 missing the last page of what we marked as Exhibit 3, I</p> <p>7 will show you what has been previously marked and</p> <p>8 introduced as US44. Actually, if the court reporter</p> <p>9 could remark the exhibit, I don't think that one has a</p> <p>10 sticker. Please take a few minutes to look over this</p> <p>11 document, Ms. Davis?</p> <p>12 A. (Witness complied.)</p> <p>13 Q. Have you had a few moments to look over the</p> <p>14 document?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall in the bill, HB No. 1706,</p> <p>17 concerning an act relating to requiring a voter to</p> <p>18 present proof of identification?</p> <p>19 A. Not specifically.</p> <p>20 Q. Do you remember it in any sort of general way?</p> <p>21 A. No, I really I don't. I don't remember this</p> <p>22 bill.</p> <p>23 Q. Are you able to tell from looking at the copy</p> <p>24 of the bill that you have before you which session of</p> <p>25 the House it was produced in?</p> | <p style="text-align: center;">40</p> <p>1 And I see here that the bill history refers to the</p> <p>2 79th regular session. What does it mean to say a</p> <p>3 regular session?</p> <p>4 A. That's within the 140-day time period.</p> <p>5 Q. Are there ever sessions outside of the normal</p> <p>6 regular 140-day time period?</p> <p>7 A. Yes.</p> <p>8 Q. What sorts of sessions are those?</p> <p>9 A. Special sessions.</p> <p>10 Q. What are the circumstances under which a</p> <p>11 special session occurs?</p> <p>12 A. The governor has the authority under the</p> <p>13 constitution to call a special session.</p> <p>14 Q. And does a special session occur at a</p> <p>15 particular point in time or can it occur at any point in</p> <p>16 time?</p> <p>17 A. Whenever the governor thinks it's appropriate</p> <p>18 to do so.</p> <p>19 Q. In looking at the bill history here, it appears</p> <p>20 that HB1706 was filed on February 28th, 2005; is that</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. Looking at the bill itself, there's a byline.</p> <p>24 It says by Denny, Pitts, Woolley, Nixon, Bohac, et al.</p> <p>25 Do you have any understanding as to why that group of</p> |



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| <p style="text-align: center;">41</p> <p>1 names is listed under a byline here?</p> <p>2 A. No. Other than they would be, I guess,</p> <p>3 co-authors, no.</p> <p>4 Q. Then it looks like that on March 2nd, 2005, the</p> <p>5 bill was read for the first time?</p> <p>6 A. Yeah, that's what the history says.</p> <p>7 Q. And does that mean that the bill is read aloud</p> <p>8 on the House floor?</p> <p>9 A. Yes.</p> <p>10 Q. And then it looks like on that same day, the</p> <p>11 bill was referred to -- it says, "Referred to</p> <p>12 elections." Would you understand that to mean the House</p> <p>13 committee on elections?</p> <p>14 A. Yes.</p> <p>15 Q. And can you tell me generally what the subject</p> <p>16 matter of that committee covers?</p> <p>17 A. Okay. Just election law, campaign finance</p> <p>18 law.</p> <p>19 Q. And then it looks like eight dates later on,</p> <p>20 March 10th, 2005, the bill was referred directly to</p> <p>21 subcommittee by the chair. Do all the committees in the</p> <p>22 House have subcommittees?</p> <p>23 A. Any committee can have a subcommittee.</p> <p>24 Q. And what is the -- what is the purpose of</p> <p>25 having subcommittees?</p> | <p style="text-align: center;">43</p> <p>1 Q. It says on that same day, April 4th, that "A</p> <p>2 committee substitute was considered in the committee."</p> <p>3 What is a committee substitute?</p> <p>4 MR. SWEETEN: Again, and you can answer as</p> <p>5 to the general meaning of that.</p> <p>6 A. Under the rules of a committee substitute, it's</p> <p>7 just like an amended version or a different version of</p> <p>8 the original bill.</p> <p>9 Q. And then, again, on that same day, it states</p> <p>10 that "the bill was reported favorably as substituted."</p> <p>11 What does that mean to be reported favorably?</p> <p>12 MR. SWEETEN: You can answer as a general</p> <p>13 matter.</p> <p>14 A. It means that they voted it out of committee.</p> <p>15 Q. And then it says that "a committee report was</p> <p>16 filed with the committee coordinator." What's a --</p> <p>17 What's a committee report?</p> <p>18 MR. SWEETEN: Same instruction.</p> <p>19 A. That's under the rules in the official</p> <p>20 documentation of the -- of the bill and the proceedings</p> <p>21 in committee.</p> <p>22 Q. And who is the committee coordinator?</p> <p>23 A. The committee coordinator is the person that</p> <p>24 administratively oversees the committees, the processing</p> <p>25 of paperwork, things like that.</p> |
| <p style="text-align: center;">42</p> <p>1 MR. SWEETEN: You can answer as a</p> <p>2 matter of general procedure.</p> <p>3 A. So rules allow for subcommittees whenever the</p> <p>4 chairman of the committee thinks it's appropriate to</p> <p>5 appoint a subcommittee.</p> <p>6 Q. Then it looks like in the March 2005, the bill</p> <p>7 was considered and the testimony was taken in a</p> <p>8 subcommittee; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. It says that on March 17, 2005, the bill was</p> <p>11 left pending in subcommittee.</p> <p>12 A. Yes.</p> <p>13 Q. What does that mean?</p> <p>14 A. It means that it wasn't voted out of committee.</p> <p>15 It was just left in the committee for a -- for whatever</p> <p>16 reason.</p> <p>17 Q. And then on April 4, 2005, it appears that the</p> <p>18 bill was recalled from the subcommittee.</p> <p>19 A. M-hm.</p> <p>20 Q. What does that mean to recall a bill from a</p> <p>21 subcommittee?</p> <p>22 MR. SWEETEN: You can answer as a general</p> <p>23 matter of what that means.</p> <p>24 A. Under the rules, you can bring a bill back from</p> <p>25 a subcommittee and bring it before the entire committee.</p> | <p style="text-align: center;">44</p> <p>1 Q. Does that person work for the Speaker of the</p> <p>2 House?</p> <p>3 A. The committee coordinator, I believe, is -- I</p> <p>4 believe they are a House officer or they work for the</p> <p>5 House at least.</p> <p>6 Q. Looks like on April 7th, 2005, it looks like</p> <p>7 the committee report was sent to calendars. Do you see</p> <p>8 that?</p> <p>9 A. Yes.</p> <p>10 Q. And when it was sent to calendars, is that the</p> <p>11 process you were describing before when there's a</p> <p>12 process by which the bill gets assigned to a particular</p> <p>13 type of calendar --</p> <p>14 A. Yes.</p> <p>15 Q. -- in the House? What does it mean when it</p> <p>16 says that the bill was on April 14th, 2005 considered in</p> <p>17 calendars?</p> <p>18 MR. SWEETEN: On these -- And I just want</p> <p>19 to make sure my instruction's clear. He can ask you</p> <p>20 questions about as a general matter what these -- what</p> <p>21 these mean. Now, he's handed you this in the context of</p> <p>22 the specific bill, 1706. I'm just going to caution you</p> <p>23 that when you are answering these questions, don't</p> <p>24 reveal any specific mental impressions or thoughts about</p> <p>25 the specific legislation or interpret it as to this</p> |



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| <p style="text-align: center;">45</p> <p>1 bill, but you can answer these questions as phrased. I 2 don't have a problem with those.</p> <p>3 MR. HARRIS: Mr. Sweeten, just to clarify, 4 in Ms. Davis's capacity as parliamentarian, putting 5 aside her role as chief of staff, what is the basis of 6 any objection with respect to her own mental impressions 7 or opinions?</p> <p>8 MR. SWEETEN: Those would be subject to 9 the legislative privilege. She's also got an 10 attorney-client relationship based upon that position, 11 and so there are two potential privileges that apply. 12 Legislative privilege does apply, and so when -- and I 13 haven't objected to you asking these questions on what 14 the general parliamentary procedure is, and she will 15 continue to answer. I'm just making sure that we're 16 clear that that's not going to reveal her specific 17 thoughts or mental impressions about legislation, so you 18 can continue.</p> <p>19 Q. (BY MR. HARRIS) Ms. Davis, going back, I 20 believe you stated that when I asked you before whether 21 you believed you had an attorney-client relationship 22 with the speaker, this is Speaker Craddick we are 23 referring to, I think, at this time -- Well, let me ask 24 you this. During 2005 was Speaker Craddick the speaker 25 of the House?</p> | <p style="text-align: center;">47</p> <p>1 bill was placed on the general state calendar. 2 A. Yes. 3 Q. It looks like the excerpt of the results I 4 handed you does not the describe the general state 5 calendar, but are you able to describe what that -- the 6 purpose of that calendar is? 7 A. I'd have to see it -- see the rules, but it's 8 just general bills, I guess. 9 Q. This looks -- Okay. On that same day, April 10 19th, when you stated that the bill had been placed or 11 at least appears the bill was placed on the general 12 state calendar, that the bill was recommitted to 13 committee. Do you see that entry? 14 A. M-hm. 15 Q. What does that mean? 16 A. It just means that it was sent back to 17 committee -- back to the elections committee. 18 Q. Is that a normal procedure? And by normal, I 19 mean, is it typical that once a bill is placed on a 20 calendar like the general state calendar, that it would 21 be recommitted to committee? 22 A. It's not unusual. 23 Q. As a general matter, why would a bill be 24 recommitted to committee as opposed to proceeding to 25 consideration by the House?</p> |
| <p style="text-align: center;">46</p> <p>1 A. Yes. 2 Q. Did you consider yourself to have an 3 attorney-client relationship with Speaker Craddick in 4 2005? 5 A. In your capacity as parliamentarian, you have 6 a -- you have a relationship with the -- with the 7 presiding officer in his capacity as the presiding 8 officer as a House officer. 9 Q. And that relationship you would describe as an 10 attorney-client relationship? 11 A. Yeah, legislative attorney-client. 12 Q. Okay. So I believe the question pending was 13 what does it mean for a bill to be considered in 14 calendars? 15 A. It just means that the calendars committee is 16 looking at the bill and deciding whether or not to set 17 the bill. 18 Q. Who sits on the calendars committee? 19 A. Just House members. 20 Q. Who appoints the members of the calendars 21 committee? 22 A. The speaker. 23 Q. Who appoints members of the other committees? 24 A. The speaker. 25 Q. And then it looks like on April 19, 2005, the</p> | <p style="text-align: center;">48</p> <p>1 A. Maybe for additional work or, you know, 2 maybe -- just could be any reason to work on the bill. 3 The bill could have a problem. It could have a 4 procedural problem. There could be a point of order, a 5 variety of things. 6 Q. It looks like once the bill was recommitted to 7 committee, there was a version that was substituted 8 again. 9 A. M-hm. 10 Q. It actually looks like that all happened on the 11 same day, April 19th; is that right? 12 A. Yes. 13 Q. Then it looks like the process repeated itself 14 and the committee report was filed with the court and 15 the committee coordinator on April 20th; is that right? 16 A. Yes. 17 Q. Then the bill was sent back to calendars and it 18 was, again, considered in calendars on April 29, 2005; 19 is that right? 20 A. Yes. 21 Q. And then, again, on May 2nd it was, I guess, 22 for the second time placed on the general state 23 calendar; is that right? 24 A. Yes. 25 Q. On May 2nd, 2005, the bill was read for a</p> |



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| <p style="text-align: center;">49</p> <p>1 second time; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. Does that refer to reading the bill for another</p> <p>4 time on the House floor?</p> <p>5 A. That's correct, laying it out before the House.</p> <p>6 Q. And at that point looks like throughout</p> <p>7 May 2nd, various amendments were considered by the House</p> <p>8 and vote; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Further down in the list of things that</p> <p>11 happened on May 2nd, I see an entry that the bill was</p> <p>12 passed to engrossment as amended. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. What does that mean, passed to engrossment as</p> <p>15 amended?</p> <p>16 A. It just -- It means passed through the third</p> <p>17 ringing.</p> <p>18 Q. What's required in order for a bill to be</p> <p>19 passed to the third reading?</p> <p>20 A. A majority of those present.</p> <p>21 Q. A majority of those present have to vote to</p> <p>22 pass the bill to the third reading?</p> <p>23 A. Yes.</p> <p>24 Q. And that's -- it looks like that's what</p> <p>25 happened here?</p> | <p style="text-align: center;">51</p> <p>1 Q. Do you recall a point of order being raised</p> <p>2 with respect to HB1706?</p> <p>3 MR. SWEETEN: You can testify as to</p> <p>4 matters of public record.</p> <p>5 A. Yeah, I don't.</p> <p>6 (League Exhibit 5 marked.)</p> <p>7 Q. I would ask that this document be marked as</p> <p>8 League Exhibit 5.</p> <p>9 Ms. Davis, have you had a few moments to</p> <p>10 look over the document that was marked at Exhibit 5?</p> <p>11 A. Yes.</p> <p>12 Q. And do you recognize this to be an except or</p> <p>13 does this appear to be an excerpt from the House Journal</p> <p>14 of May 3rd, 2005?</p> <p>15 A. Yes.</p> <p>16 Q. And May 3rd, 2005 was the date that's reflected</p> <p>17 on the bill history we were looking at for HB1706 as the</p> <p>18 date on which a point of order was sustained; is that</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. And looking at the middle of the first page of</p> <p>22 what I handed you, which has Page No. 2543 at the top</p> <p>23 right, it states that "Representative Burnam raised a</p> <p>24 point of order against further consideration of HB1706</p> <p>25 under Rule 6, Section 1(a), Rule 6, Section 15 and Rule</p> |
| <p style="text-align: center;">50</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And then looks like the next day,</p> <p>3 May 3rd, the bill was read for a third time; is that</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. And it looks like on that same day, May 3rd,</p> <p>7 additional amendments were considered?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Now, I see an entry on May 3rd that says</p> <p>10 that a point of order was sustained?</p> <p>11 A. Yes.</p> <p>12 Q. What is a point of order?</p> <p>13 A. It's an objection under the rules to -- to a</p> <p>14 procedural defect of some sort.</p> <p>15 Q. And who can make a point of order?</p> <p>16 A. The member -- A member can raise a point of</p> <p>17 order.</p> <p>18 Q. And when a point of order is raised, what</p> <p>19 happens then?</p> <p>20 MR. SWEETEN: You can answer as a general</p> <p>21 matter.</p> <p>22 A. The member will consult with the speaker and</p> <p>23 bring their objection before the speaker, and the</p> <p>24 speaker consults with the parliamentarian and then makes</p> <p>25 a ruling.</p> | <p style="text-align: center;">52</p> <p>1 6, Section 17 of the House rules on the grounds that the</p> <p>2 bill was placed out of order on the calendar." Do you</p> <p>3 see where it says that?</p> <p>4 A. Yes.</p> <p>5 Q. Does reading that help to refresh your</p> <p>6 recollection as to a point of order that was made with</p> <p>7 respect to HB1706?</p> <p>8 A. It just -- It just says that he raised the</p> <p>9 journal, just reflects that he raised the point of</p> <p>10 order.</p> <p>11 Q. And reading this sitting here today, does this</p> <p>12 cause you to remember him raising this point of order?</p> <p>13 A. I don't remember him raising it. I don't have</p> <p>14 any reason to dispute what the journal says about it.</p> <p>15 Q. And point of order under Rule 6, these various</p> <p>16 sections of Rule 6 on the grounds that the bill was</p> <p>17 placed out of order on the calendar, what do you</p> <p>18 understand that to mean in terms of the point of order</p> <p>19 being raised with respect to HB1706?</p> <p>20 MR. SWEETEN: In answering that, don't</p> <p>21 reveal your thoughts and mental impressions about the</p> <p>22 bill. You can answer as a general matter if you know</p> <p>23 what that means.</p> <p>24 A. That it was in the wrong place -- you know, on</p> <p>25 the wrong place on the calendar. Maybe, you know,</p> |



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1 listed wrong on the calendar or something like that.
 2 Q. If you look at the next page of Exhibit 5 under
 3 the heading afternoon session and then a further heading
 4 that says HB1706, Pending Business, it states "That a
 5 point of order against further consideration of HB1706
 6 was pending prior to lunch recess on the grounds that
 7 the bills were placed on today's calendar out of order."

8 As a general matter, what does it mean to
 9 place a bill on a calendar out of order? Does that
 10 mean -- Well, let me ask you.

11 A. It just means that it's in the wrong order on
 12 the calendar. Maybe it was listed one way instead of
 13 the other way or a bill was put in front of it that
 14 should not have been there, a clerical error or
 15 something like that.

16 Q. Does it mean that the bill was being considered
 17 on the wrong day?

18 MR. SWEETEN: Are you asking her does this
 19 text mean that or can you specify what your question is?

20 Q. First, I'll ask, as a general matter, if the
 21 bill were being considered on the wrong day, would that
 22 -- and it were being considered, would that be a case
 23 where a bill was being taken out of order?

24 A. On the wrong legislative day or the wrong
 25 calendar day? This just says placed on that date's

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1 calendar out of order and that means that it was not
 2 listed correctly on that calendar on that day.

3 Q. And it further states here that the speaker
 4 sustained the point of order; is that right?

5 A. Yes.

6 Q. Looking back at the bill history, it looks like
 7 the bill has continued to be considered on May 3rd,
 8 2005.

9 A. Yes.

10 Q. Does that help you to explain the manner in
 11 which this bill was subject to a sustained point of
 12 order?

13 MR. SWEETEN: Objection to the question as
 14 vague. Don't reveal matters of privilege in answering
 15 the question, your thoughts or mental impressions about
 16 a specific piece of legislation. You can answer based
 17 on the text of what's in front of you, but don't reveal
 18 privilege.

19 A. Yeah. This means that the bill was taken out
 20 of order, that the chair ruled that the bill taken out
 21 of order and that they put the bill on another calendar
 22 for later in the day.

23 Q. Then it looks like later on May 3rd, there is
 24 an entry that says the bill passed as amended. Does
 25 that mean that a majority of those House members present

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1 voted for the bill?

2 A. M-hm.

3 Q. And then.

4 A. Yes.

5 Q. -- it looks like -- Thank you. I should remind
 6 you about that, but I appreciate you remembering to give
 7 a verbal answer. And then it looks like on May 4th, the
 8 next day, 2005, the bill was reported engrossed.

9 A. Yes.

10 Q. What does it mean for a bill to be reported
 11 engrossed?

12 MR. SWEETEN: You can answer as a general
 13 matter.

14 A. That's the final House version of the bill that
 15 was sent to the Senate.

16 Q. And then it looks like the bill was received
 17 from the House by the Senate that same day, May 4th,
 18 2005; is that right?

19 A. Yes.

20 Q. Is there any special meaning to the term
 21 received from the House?

22 A. That means it went over on a message to the
 23 Senate.

24 Q. What does it mean for it to go over on a
 25 message?

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1 A. It means that it goes over on a piece of paper
 2 and it's given to the Senate clerk or the secretary of
 3 the Senate.

4 Q. And then it looks like the next day, May 5th,
 5 2005, the bill was read for the first time in the Senate
 6 and then that same day referred to state affairs. Do
 7 you see that?

8 A. Yes, I see that.

9 Q. And do you understand state affairs to mean
 10 Senate State Affairs Committee?

11 A. Yes.

12 Q. Okay. Since that's the last entry for this
 13 bill, what do you understand about what happened to the
 14 bill once it went to the senate?

15 A. I don't know what happened.

16 Q. Assuming this is a complete legislative
 17 history, do you agree that it reflects that the bill did
 18 not pass the Senate?

19 MR. SWEETEN: Since this is a matter of
 20 public record, you can answer based on the public
 21 record.

22 A. This looks like the last action was that it
 23 went to state affairs and stayed in state affairs until
 24 the session was over.

25 Q. And if the bill had passed the Senate, the last



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| <p style="text-align: center;">57</p> <p>1 action would reflect something other than this, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have any understanding as to why the</p> <p>4 bill did not successfully make it out of the Senate?</p> <p>5 MR. SWEETEN: Don't answer the question</p> <p>6 except for as to matters of public records, otherwise,</p> <p>7 it would reveal matters of legislative privilege.</p> <p>8 A. No, I don't.</p> <p>9 Q. Now, it looks like by the time it was referred</p> <p>10 from the House to the Senate, it was May 4th, 2005; is</p> <p>11 that right?</p> <p>12 A. Yes.</p> <p>13 Q. When does regular session -- When in the real</p> <p>14 calendar year does the session typically end?</p> <p>15 A. Sometime around the end of May.</p> <p>16 Q. Looking back at the bill text, what I think is</p> <p>17 marked as US Exhibit 44, as parliamentarian of the House</p> <p>18 did you have any role in reviewing the substantive text</p> <p>19 of a bill? I mean, as opposed to considering the</p> <p>20 procedure of a bill, did you have any role in evaluating</p> <p>21 or considering the actual text of the bill itself?</p> <p>22 A. This bill?</p> <p>23 Q. Well, as a general matter first.</p> <p>24 A. So you mean for procedural problems or what do</p> <p>25 you mean?</p> | <p style="text-align: center;">59</p> <p>1 A. Legislative intent maybe. Something like that.</p> <p>2 Q. Do you think it's always the case that the</p> <p>3 intent of the legislature is discernable from the face</p> <p>4 or text of the bill?</p> <p>5 MR. SWEETEN: She can answer as to what is</p> <p>6 the general purpose of the bill she has to the best of</p> <p>7 her knowledge. She's not going to speculate on</p> <p>8 subjective motivations of any legislature that is</p> <p>9 outside of what the court has ordered and that is within</p> <p>10 the scope of privilege. So if you are asking her to</p> <p>11 speculate as to what any specific member's intent was,</p> <p>12 she's not going to do that. She's answered as to</p> <p>13 general purpose. That's what she's been required to do,</p> <p>14 if she knows, and I'll let her do that.</p> <p>15 Q. Okay. Well, I'm not asking about any</p> <p>16 legislator's purpose with respect to any piece of</p> <p>17 legislation. I'm only asking a general matter -- Well,</p> <p>18 stepping back, we've been talking about legislative</p> <p>19 purpose and intent, so my question is is it always the</p> <p>20 case that one could tell what the legislature's intent</p> <p>21 or purpose is from looking at the face or text of the</p> <p>22 bill?</p> <p>23 MR. SWEETEN: Objection. Calls for</p> <p>24 speculation. Objection. Compound. Objection.</p> <p>25 Relevance.</p> |
| <p style="text-align: center;">58</p> <p>1 Q. Well, did you read -- would you read every bill</p> <p>2 that would be introduced in the House?</p> <p>3 A. Yes.</p> <p>4 Q. So at some point you read 1706 during the 2005?</p> <p>5 A. I would have read it, yes.</p> <p>6 Q. And do you read the bills that -- each step of</p> <p>7 the way? Like let's say a bill is amended in a</p> <p>8 committee. Do you receive and review the amendments?</p> <p>9 A. No.</p> <p>10 Q. How about once a bill is substituted in</p> <p>11 committee? Let's say what happened here. It was</p> <p>12 substituted in committee and then reported favorably as</p> <p>13 substituted. Would you read the substituted version?</p> <p>14 A. I don't remember. Maybe sometimes we did,</p> <p>15 sometimes we didn't.</p> <p>16 Q. Do you have any understanding as to the overall</p> <p>17 legislature's general purpose in enacting HB1706?</p> <p>18 A. The general purpose of this bill?</p> <p>19 Q. Yes.</p> <p>20 A. I would assume for voter integrity, integrity</p> <p>21 of elections maybe.</p> <p>22 Q. And what is that assumption based on?</p> <p>23 A. That's just my assumption.</p> <p>24 Q. When I use the term legislative purpose, what</p> <p>25 do you take that to mean?</p> | <p style="text-align: center;">60</p> <p>1 Q. You may answer the question, Ms. Davis.</p> <p>2 A. I don't know.</p> <p>3 Q. You don't have any opinion on that?</p> <p>4 A. It depends on --</p> <p>5 MR. SWEETEN: Object. Asked and answered.</p> <p>6 Q. You may answer.</p> <p>7 A. It depends on the bill.</p> <p>8 Q. Looking at Page 4 of the bill before us,</p> <p>9 HB1706, and then looking particularly at Section</p> <p>10 63.0101. Before I ask you about this section, I just</p> <p>11 want got to go back for a moment. I think your last</p> <p>12 answer when I asked you about could you discern the</p> <p>13 intent of the bill from the face of the bill and whether</p> <p>14 that was always the case. You said that it depends on</p> <p>15 the bill. What did you mean by that?</p> <p>16 MR. SWEETEN: Objection. Calls for</p> <p>17 speculation. Objection. Compound. Objection.</p> <p>18 Relevance. Go ahead. You can answer.</p> <p>19 A. I think whoever it -- I guess it depends on the</p> <p>20 circumstances, the people, their mental processes, and I</p> <p>21 don't know what people think when they do these bills.</p> <p>22 Q. What sorts of circumstances or people would you</p> <p>23 think would make it harder to discern the intent from</p> <p>24 the face of the bill?</p> <p>25 MR. SWEETEN: Objection to the extent it</p> |



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| <p style="text-align: center;">61</p> <p>1 calls formal matters that are subject to the legislative 2 privilege. Objection to the question as vague. Calls 3 for speculation. Objection. Compound. Objection. 4 Relevance. 5 A. I don't know. 6 Q. Okay. Looking at this Section 63.0101 of 7 HB1706, it states that "A following documentation is an 8 acceptable form of photo identification under this 9 chapter." Do you see that? 10 A. M-hm. Yes. 11 Q. And then there appears to being a fairly 12 lengthy list of acceptable forms of photo 13 identification. Do you agree with that? 14 A. Yes. 15 Q. And these include a driver's license or 16 personal identification card issued to the person by the 17 Department of Public Safety. Do you see that? 18 A. Yes. 19 Q. It includes "a United States military 20 identification card that contains the person's 21 photograph"; is that right? 22 A. Yes. 23 Q. It includes "a valid employee identification 24 card that contains the person's photograph." 25 A. Yes.</p> | <p style="text-align: center;">63</p> <p>1 read that correctly? 2 A. Yes. 3 Q. It also appears in that Section B, there's a 4 list of documentation that is acceptable as proof of 5 identification under this chapter, and it then goes on 6 include things like a utility bill, bank statement, 7 government check, paycheck, official mail or certified 8 copy of a birth certificate. Do you see those in 1, 2 9 and 3? 10 A. Yes. 11 Q. In fact there is another lengthy list of 12 further types of documents that would serve as 13 acceptable form of identification under HB1706? 14 MR. SWEETEN: Adam, we're going to need to 15 take a break. 16 (Recess from 11:38 a.m. to 12:00 p.m.) 17 Q. (BY MR. HARRIS) Ms. Davis, are you ready to go 18 back on the record? 19 A. Yes. 20 Q. I believe when we left off I was asking you 21 whether it appeared that from the text of HB1706 that in 22 Section 63.0101, I believe we were then looking at Part 23 B and that section appears to include another fairly 24 lengthy list of acceptable types of identification. Is 25 that your understanding that list includes things like a</p> |
| <p style="text-align: center;">62</p> <p>1 Q. Is that right? No. 4 says, "a United States 2 citizenship certificate issued to the person that 3 contains the person's photograph." Do you see that? 4 A. Yes. 5 Q. Do you have any understanding as to what that 6 means? 7 A. No. 8 Q. No. 5 it says, "a United States passport issued 9 to the person." 10 A. Yes. 11 Q. No. 6, "a student identification card issued by 12 a public or private institution of higher education that 13 contains the person's photograph"; is that right? 14 A. Yes. 15 Q. 7 states, "a license to carry a concealed 16 handgun issued to the person by the Department of Public 17 Safety"; is that right? 18 A. Yes. 19 Q. 8 states, "an identification card issued by a 20 state agency of this state that contains the person's 21 photograph"; is that right? 22 A. Yes. 23 Q. And 9 states, "an identification card that 24 contains the person's photograph and is issued by a 25 county elections administrator or county clerk." Did I</p> | <p style="text-align: center;">64</p> <p>1 copy of a current utility bill or bank statement; is 2 that right? 3 A. Yes. 4 Q. Official mail addressed to the person by name 5 from a governmental entity? 6 A. Yes. 7 Q. And I think in No. 10, it includes a library 8 card that contains the person's name issued to the 9 person by a public library listed in the state? 10 A. Yes. 11 Q. Do you have any understanding as to the source 12 of the legislative language that's in 1706? 13 MR. SWEETEN: Don't -- Don't answer the 14 question. It would reveal matters of legislative 15 privilege as to source of the language in the bill. 16 MR. HARRIS: Well, I think the question 17 was just do you have any understanding. I don't see how 18 that would reveal anything privileged. 19 MR. SWEETEN: You can answer yes or no as 20 to whether you have an understanding and then we'll go 21 from there. 22 A. No. 23 MR. SWEETEN: Make it easier. 24 Q. Always makes it easier. What forms of 25 identification do you have on you today?</p> |



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| <p style="text-align: center;">65</p> <p>1 A. I have my driver's license.</p> <p>2 Q. Anything else?</p> <p>3 A. I think I have my bar card and that's it.</p> <p>4 Q. Do you own a copy of your birth certificate?</p> <p>5 A. Yes.</p> <p>6 Q. Were you born in the State of Texas?</p> <p>7 A. Yes.</p> <p>8 Q. If you lost your birth certificate, would you</p> <p>9 know where to go to get another copy?</p> <p>10 A. Yes.</p> <p>11 Q. Where would that be?</p> <p>12 A. To the health department -- Bureau of Vital</p> <p>13 Statistics, Health Department.</p> <p>14 Q. Have you ever heard of -- if I use the term</p> <p>15 in-person voter fraud, do you have some understanding of</p> <p>16 what that means?</p> <p>17 A. No.</p> <p>18 Q. Okay. I'm going to use the term to mean an</p> <p>19 instance where someone shows up at the polls claiming to</p> <p>20 be a registered voter when that person is not in fact a</p> <p>21 registered voter when he or she is claiming to be; is</p> <p>22 that okay?</p> <p>23 A. M-hm.</p> <p>24 Q. Have you ever heard of an instance of such</p> <p>25 in-person voter fraud?</p> | <p style="text-align: center;">67</p> <p>1 council, legislative staffers, and our position is even</p> <p>2 if a party has waived with respect to it, that to the</p> <p>3 extent if she's working for the speaker, for example,</p> <p>4 and he has not waived, that that privilege attaches to</p> <p>5 the communication. With all that, you can answer the</p> <p>6 question as long as you are not revealing a privileged</p> <p>7 communication.</p> <p>8 A. No.</p> <p>9 Q. All right. Ms. Davis, is this a good time for</p> <p>10 you to take lunch?</p> <p>11 A. Sure.</p> <p>12 MR. HARRIS: I think we are at a natural</p> <p>13 stopping point, so why don't we do that?</p> <p>14 THE WITNESS: Okay.</p> <p>15 (Recess from 12:05 p.m. to 12:31 p.m.)</p> <p>16 Q. (BY MR. HARRIS) Ms. Davis, are you ready to go</p> <p>17 back on the record?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall a bill concerning voter</p> <p>20 identification requirements for Texas voters being</p> <p>21 introduced during the 2007 House session?</p> <p>22 A. No.</p> <p>23 (League Exhibit 6 marked.)</p> <p>24 Q. I'll ask that this document be marked as League</p> <p>25 Exhibit 6.</p> |
| <p style="text-align: center;">66</p> <p>1 A. No.</p> <p>2 Q. In your capacity as chief of staff to Speaker</p> <p>3 Straus, do you ever recall receiving any complaints from</p> <p>4 constituents regarding instances of in-person voter</p> <p>5 fraud?</p> <p>6 A. No.</p> <p>7 Q. How about just voter fraud generally? Did you</p> <p>8 ever hear constituents complain about voter fraud in</p> <p>9 Texas in general?</p> <p>10 MR. SWEETEN: While she was with the</p> <p>11 speaker's office you are asking, Adam?</p> <p>12 MR. HARRIS: Let's start with that, sure.</p> <p>13 MR. SWEETEN: This is from constituents,</p> <p>14 just so I'm clear.</p> <p>15 MR. HARRIS: Correct.</p> <p>16 A. No.</p> <p>17 Q. How about at any other time before or even</p> <p>18 after you worked for -- as chief of staff for Speaker</p> <p>19 Straus, were you aware -- or did you hear complaints</p> <p>20 of -- Let's say putting aside any -- putting aside any</p> <p>21 member of the Texas House or Senate that has asserted</p> <p>22 privilege in this case, have you heard complaints from</p> <p>23 anybody else about voter fraud in Texas?</p> <p>24 MR. SWEETEN: Also, don't reveal</p> <p>25 communications with state agencies, the Texas ledge</p> | <p style="text-align: center;">68</p> <p>1 Ms. Davis, please take a few moments to</p> <p>2 familiarize yourself with this document.</p> <p>3 A. Okay.</p> <p>4 Q. Ms. Davis, this appears to be a copy of a House</p> <p>5 Bill No. 218; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. At the top at the first page it says, "House</p> <p>8 engrossment"; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. What do you understand that to mean?</p> <p>11 A. That's the bill as it's passed on third reading</p> <p>12 out of the House.</p> <p>13 Q. Do you recall anything about the debate over</p> <p>14 this Bill HB218?</p> <p>15 A. No.</p> <p>16 Q. Now, you said that the language at the top</p> <p>17 stating House engrossment refers to the fact that this</p> <p>18 bill passed a vote of the House after the third reading;</p> <p>19 is that right?</p> <p>20 A. Right.</p> <p>21 Q. At that point the bill would go to the Senate</p> <p>22 generally; is that right?</p> <p>23 A. Right.</p> <p>24 Q. Do you recall what happened to this bill when</p> <p>25 it went to the Senate?</p> |



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| <p style="text-align: center;">69</p> <p>1 MR. SWEETEN: You can answer as to matters</p> <p>2 of public record.</p> <p>3 A. No, I don't.</p> <p>4 (League Exhibit 7 marked.)</p> <p>5 Q. I ask that this document be marked as League</p> <p>6 Exhibit 7. And, Ms. Davis, please take a few moments to</p> <p>7 familiarize yourself with this document, Exhibit 7.</p> <p>8 A. Okay.</p> <p>9 Q. Mrs. Davis, this appears to be a legislative</p> <p>10 history of HB218 from the 80th regular session.</p> <p>11 A. Right.</p> <p>12 Q. Is that right?</p> <p>13 A. Yes.</p> <p>14 Q. And this appears to reflect that HB218 was</p> <p>15 reported engrossed by the House on April 24th, 2007; is</p> <p>16 that right?</p> <p>17 A. Yes.</p> <p>18 Q. Then this states that the bill was read for the</p> <p>19 first time on April 26, 2007, is that right, in the</p> <p>20 Senate? Excuse me.</p> <p>21 A. Yes.</p> <p>22 Q. And then it was referred to the Senate state</p> <p>23 affairs committee; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Do you have any understanding as to what the</p> | <p style="text-align: center;">71</p> <p>1 A. Yes.</p> <p>2 Q. Do you know if that would be the vote to</p> <p>3 suspend the regular order of business?</p> <p>4 A. Yes.</p> <p>5 Q. Yes, it would be that vote?</p> <p>6 A. Yes. It looks as though that's right, yeah,</p> <p>7 that it was a record vote on that suspension.</p> <p>8 Q. M-hm. It looks on that same day the bill was</p> <p>9 read for a second time in the Senate.</p> <p>10 A. Yes.</p> <p>11 Q. And then it says, "Vote reconsidered on that</p> <p>12 same day." Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know what that means, "vote</p> <p>15 reconsidered"?</p> <p>16 A. In this context, I don't know -- I don't know</p> <p>17 what they did.</p> <p>18 Q. Again, reading from the entries for May 15th,</p> <p>19 2007, that the motion to suspend regular order fails.</p> <p>20 A. Yes.</p> <p>21 Q. Do you understand that to mean that there were</p> <p>22 not sufficient votes to suspend the regular order of</p> <p>23 business and considered the bill out of the regular</p> <p>24 order?</p> <p>25 MR. SWEETEN: You can testify based on the</p> |
| <p style="text-align: center;">70</p> <p>1 subject matter jurisdiction covered by the state affairs</p> <p>2 committee in the Senate is?</p> <p>3 A. I don't.</p> <p>4 Q. Then it appears that on May 1st, 2007, the bill</p> <p>5 was reported favorably as substituted by the committee;</p> <p>6 is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And then on May 2nd, it was placed on the</p> <p>9 Senate intent calendar; is that right?</p> <p>10 A. M-hm.</p> <p>11 Q. Do you have any understanding as to what the</p> <p>12 Senate intent calendar is?</p> <p>13 A. It's the Senate calendar for floor action for</p> <p>14 bills that they'll take up on the Senate floor.</p> <p>15 Q. On May 15th, 2007, I see that there is an entry</p> <p>16 that the -- it says "Rule suspended (regular order of</p> <p>17 business)."</p> <p>18 A. M-hm. Yes.</p> <p>19 Q. Do you have any understanding as to what that</p> <p>20 means?</p> <p>21 A. I believe that's what the Senate does to take a</p> <p>22 bill up earlier than they -- earlier than the rules</p> <p>23 would allow.</p> <p>24 Q. And this reflects that there was a record vote</p> <p>25 taken on May 15th, 2007?</p> | <p style="text-align: center;">72</p> <p>1 text.</p> <p>2 A. Yes, that's right.</p> <p>3 Q. And then it looks like the last two entries</p> <p>4 reflect a record vote May 15th, 2007; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And then there was a co-sponsor authorized on</p> <p>7 May 16th, 2007; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. And this legislative history appears to reflect</p> <p>10 that HB218 did not pass a full vote of the Senate; is</p> <p>11 that right?</p> <p>12 A. Yes, that's right.</p> <p>13 Q. Looking back to the text of HB218, do you have</p> <p>14 any understanding of the general purpose of the</p> <p>15 legislature in attempting to enact HB218?</p> <p>16 A. I don't.</p> <p>17 Q. Do you have any understanding of the general</p> <p>18 purpose of HB218?</p> <p>19 A. No.</p> <p>20 Q. I think you stated previously with respect to</p> <p>21 House Bill 1706 from 2005 that the general purpose was</p> <p>22 to protect the integrity of the election system. Do you</p> <p>23 recall that testimony?</p> <p>24 A. Yes.</p> <p>25 Q. Do you have any understanding as to the source</p> |



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| <p style="text-align: center;">73</p> <p>1 of the legislative language in HB218?</p> <p>2 MR. SWEETEN: Don't answer the question as</p> <p>3 it will require you to reveal matters -- as it could</p> <p>4 require you to reveal matters of legislative privilege.</p> <p>5 MR. HARRIS: I think we actually resolved</p> <p>6 this one last time by your stating, Mr. Sweeten, that</p> <p>7 the witness could answer yes or no as to whether she was</p> <p>8 aware of the sources of legislative language.</p> <p>9 MR. SWEETEN: That she was aware of the</p> <p>10 source of language of 218.</p> <p>11 MR. HARRIS: Correct.</p> <p>12 MR. SWEETEN: Then we'll allow her a yes</p> <p>13 or no answer.</p> <p>14 A. No.</p> <p>15 Q. Do you recall -- Without yet divulging the</p> <p>16 substance of any such discussions, do you recall having</p> <p>17 discussions with any members of the House regarding</p> <p>18 HB218?</p> <p>19 A. No.</p> <p>20 Q. I'm not sure I asked you that question. With</p> <p>21 respect to HB1706, the bill we looked at from 2005</p> <p>22 concerning voter ID, do you recall having any</p> <p>23 discussions with members of the House about -- Again,</p> <p>24 I'm not asking you to reveal the substance, but do you</p> <p>25 recall any discussions with members of the House about</p> | <p style="text-align: center;">75</p> <p>1 A. No. I believe it was a voter ID amendment, but</p> <p>2 I don't remember what it did.</p> <p>3 Q. And do you remember the -- what -- the</p> <p>4 legislation that Ms. Brown was attempting to amend to</p> <p>5 include voter identification requirements, do you recall</p> <p>6 what that understanding legislation was about?</p> <p>7 A. No.</p> <p>8 (League Exhibit 8 marked.)</p> <p>9 Q. I'll ask that this be marked as League</p> <p>10 Exhibit 8. Please take a few moments to review</p> <p>11 Exhibit 8.</p> <p>12 A. Okay.</p> <p>13 Q. Okay. So this appears to be an article from</p> <p>14 the Austin Statesman.</p> <p>15 A. Yes.</p> <p>16 Q. And it's dated March 30th, 2009; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay? And this article -- Does this article</p> <p>19 refer to the situation we were just speaking with in</p> <p>20 which Representative Brown attempted to introduce an</p> <p>21 amendment to a bill concerning voter ID requirements?</p> <p>22 A. Yes.</p> <p>23 MR. SWEETEN: You can answer about what</p> <p>24 the article says. Don't reveal privileged matters.</p> <p>25 Q. In the first two paragraphs it states that, "A</p> |
| <p style="text-align: center;">74</p> <p>1 HB1706?</p> <p>2 A. No.</p> <p>3 Q. Do you know whether the lieutenant governor of</p> <p>4 Texas can directly himself introduce legislation?</p> <p>5 MR. SWEETEN: You can answer as a general</p> <p>6 matter.</p> <p>7 A. I don't -- I do not know the answer to that --</p> <p>8 the legal answer to that. I've never seen that, but I</p> <p>9 do not know.</p> <p>10 Q. M-hm. Do you recall a situation in 2009, now</p> <p>11 skipping ahead two years, when Representative Betty</p> <p>12 Brown attempted to introduce a voter ID proposal as an</p> <p>13 amendment to another bill?</p> <p>14 MR. SWEETEN: You can refer to matters of</p> <p>15 the public record in answering.</p> <p>16 A. Yes.</p> <p>17 Q. What do you recall about that situation?</p> <p>18 MR. SWEETEN: Okay. That could very well</p> <p>19 ask you to reveal matters of privilege. Don't do so.</p> <p>20 You can reveal matters of public record.</p> <p>21 A. I just remember her trying to do it. I</p> <p>22 don't -- I don't remember more -- anymore than that.</p> <p>23 Q. Do you remember anything about the substance of</p> <p>24 the amendment that Representative Brown was attempting</p> <p>25 to offer?</p> | <p style="text-align: center;">76</p> <p>1 could have intense moment in the Texas House passed</p> <p>2 without a blow-up today with a handshake between House</p> <p>3 Speaker Joe Straus and Representative Betty Brown,</p> <p>4 Republican of Terrell, according to Brown. Brown said</p> <p>5 she and Straus shook hands on his promise to ensure</p> <p>6 legislation requiring voters to present photo ID or</p> <p>7 identifying documents at the polls would get a full</p> <p>8 hearing before the House committee on elections." Do</p> <p>9 you see where it says that?</p> <p>10 A. Yes.</p> <p>11 Q. Were you at all involved or present for any</p> <p>12 discussions between Ms. Brown and Speaker Straus</p> <p>13 concerning any promises that voter ID would be heard</p> <p>14 before the committee on elections?</p> <p>15 A. No. That would have been a private</p> <p>16 conversation between them.</p> <p>17 Q. Skipping down a few paragraphs, it says that</p> <p>18 "Perspective: Brown couldn't have been pleased when it</p> <p>19 came clear early this session that Smith would be the</p> <p>20 House's lead dog on the voter ID front. Two years ago,</p> <p>21 Brown was author of the voter ID mandate that won House</p> <p>22 approval before petering out in the Senate where</p> <p>23 Republicans proponents couldn't hurdle the two-thirds</p> <p>24 margin usually needed to take up measures for floor</p> <p>25 action." Do you see that?</p> |



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| <p style="text-align: center;">77</p> <p>1 A. Yes.</p> <p>2 Q. Is that paragraph referring to what we saw in</p> <p>3 the legislative history previously in which there</p> <p>4 weren't sufficient votes to suspend the regular order of</p> <p>5 business in the Senate?</p> <p>6 MR. SWEETEN: Don't reveal matters of</p> <p>7 legislative privilege in answering the question, okay?</p> <p>8 A. Yes. That refers to the Senate action -- the</p> <p>9 Senate actions on the legislative report.</p> <p>10 Q. And then the next sentence is in a</p> <p>11 parenthetical, but it says, "This year Senate</p> <p>12 Republicans revised the body's rules enabling action on</p> <p>13 the voter ID topic by a simple majority vote." Do you</p> <p>14 see that?</p> <p>15 A. Yes.</p> <p>16 Q. Are you aware of what this sentence is</p> <p>17 referring to?</p> <p>18 MR. SWEETEN: Don't answer the question as</p> <p>19 phrased. It would require you to reveal matters of</p> <p>20 legislative privilege and interpret the words on this</p> <p>21 page, and you don't have to do that with respect to</p> <p>22 legislation.</p> <p>23 Q. I'm not sure I follow the objection, but let me</p> <p>24 try it another way.</p> <p>25 Were you aware or are you aware as a</p> | <p style="text-align: center;">79</p> <p>1 the rules regarding special orders and voter ID?</p> <p>2 A. No. I didn't really listen to the debate. I</p> <p>3 just knew they took it up on -- when they did the rules,</p> <p>4 but I didn't -- I am not familiar with what they said.</p> <p>5 Q. Okay. Well, I think we'll come back to that</p> <p>6 topic in just a few moments, but we can finish with</p> <p>7 Exhibit 8 for now.</p> <p>8 In the next paragraph starting with, "In a</p> <p>9 surprise move," it states is that, "Brown had filed her</p> <p>10 ID proposal as an amendment to legislation by</p> <p>11 Representative Frank Corte, Republican of San Antonio,</p> <p>12 relating to providing a ballot by emails to voters in</p> <p>13 the military and living overseas." Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. And in the next paragraph it states, I believe</p> <p>16 this is -- I'll ask you, but -- Excuse me. States,</p> <p>17 "Brown told me that House Parliamentarian Denise Davis</p> <p>18 advised today that her amendment wasn't germane to</p> <p>19 Corte's proposal, though Brown said it also was clear an</p> <p>20 ultimate ruling would have been up to Straus." Do you</p> <p>21 see that?</p> <p>22 A. Yes, I do.</p> <p>23 Q. Do you recall whether there was any public</p> <p>24 decision made that the -- or, I guess, a point of order</p> <p>25 sustained that the amendment offered by Ms. Brown was</p> |
| <p style="text-align: center;">78</p> <p>1 matter of public knowledge of the Senate Republicans</p> <p>2 changing the rules of the Senate with respect to the</p> <p>3 topic of special orders and voter ID?</p> <p>4 A. Yes.</p> <p>5 Q. When did you first learn about such a change by</p> <p>6 the Senate Republicans?</p> <p>7 MR. SWEETEN: You can refer to matters of</p> <p>8 public record.</p> <p>9 A. When they debated it on the Senate floor during</p> <p>10 the rules debate.</p> <p>11 Q. Do you have any understanding as to why the</p> <p>12 Senate changed rules with respect to special orders and</p> <p>13 the topic of voter ID?</p> <p>14 MR. SWEETEN: Do not answer. Calls for</p> <p>15 matters of legislative privilege. You can refer to</p> <p>16 matters of the public record in answering the question.</p> <p>17 MR. HARRIS: Let's step back. I think the</p> <p>18 first question was do you have any understanding. May</p> <p>19 she answer that, Mr. Sweeten?</p> <p>20 A. Any understanding of?</p> <p>21 Q. Of why the Senate Republicans revised their</p> <p>22 rules concerning special rules of voter ID.</p> <p>23 A. No.</p> <p>24 Q. Are you aware of any publicly stated reasons by</p> <p>25 the Senate Republicans with respect to why they changed</p> | <p style="text-align: center;">80</p> <p>1 not germane to the legislation at issue?</p> <p>2 MR. SWEETEN: You can answer as to public</p> <p>3 record only.</p> <p>4 A. I don't remember a point of order being raised</p> <p>5 at all. I don't remember.</p> <p>6 Q. Do you remember ruling on the question of</p> <p>7 whether or not Ms. Brown's voter ID amendment was</p> <p>8 germane?</p> <p>9 MR. SWEETEN: I assume a ruling is a</p> <p>10 public record, so if it's a public record, you can</p> <p>11 answer that question.</p> <p>12 A. What -- Do I remember ruling on whether or not</p> <p>13 this was germane in a public ruling?</p> <p>14 Q. Well, let me ask it this way. The author of</p> <p>15 the article states that Brown told him that you, Ms.</p> <p>16 Davis --</p> <p>17 A. Right.</p> <p>18 Q. -- advised Ms. Brown --</p> <p>19 A. Right.</p> <p>20 Q. -- that her amendment wasn't germane to the</p> <p>21 proposal, and Ms. Brown apparently told that to a</p> <p>22 reporter making public and certainly waiving any</p> <p>23 privilege with respect to it. So my question is is this</p> <p>24 accurate? Did you in fact tell Ms. Brown that her</p> <p>25 amendment was not germane?</p> |



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| <p style="text-align: center;">81</p> <p>1 MR. SWEETEN: One second. I want the</p> <p>2 question re-read, please.</p> <p>3 (Requested portion was read.)</p> <p>4 MR. SWEETEN: No, she's not going to</p> <p>5 answer. Even assuming you're correct that Ms. Brown has</p> <p>6 waived privilege, she is not going to answer the</p> <p>7 question because, one, I don't think Ms. Brown has</p> <p>8 provided any such waiver as to that, so -- and she's not</p> <p>9 going to answer questions as to communications she had</p> <p>10 with Betty Brown, so I think that would be subject to</p> <p>11 the privilege. I'm going to instruct you not to answer</p> <p>12 the question.</p> <p>13 MR. HARRIS: Mr. Sweeten, do you agree</p> <p>14 that had Ms. Brown communicated to the Austin Statesman</p> <p>15 what Ms. Davis told Ms. Brown, that that would</p> <p>16 constitute a waiver of privilege over such a statement</p> <p>17 given that?</p> <p>18 MR. SWEETEN: I don't necessarily agree</p> <p>19 with that. In any event, there is no suggestion --</p> <p>20 there's been no waiver of legislative privilege that I'm</p> <p>21 aware of from Ms. Brown, and she's not going waive her</p> <p>22 privilege. So, in any event, it's not of no moment. So</p> <p>23 I'm going to instruct her not to answer based on</p> <p>24 legislative privilege.</p> <p>25 Q. Would a voter ID requirement such as we saw in</p> | <p style="text-align: center;">83</p> <p>1 number of factors.</p> <p>2 Q. Can you give me some instances in which you</p> <p>3 publicly ruled that an amendment to a bill was not</p> <p>4 germane?</p> <p>5 A. I mean, we look at hundreds of amendments, so</p> <p>6 there have to be things in the journal. Off top of my</p> <p>7 head, I couldn't say.</p> <p>8 (League Exhibit 9 marked.)</p> <p>9 Q. I ask that this document be marked as League</p> <p>10 Exhibit 9. Ms. Davis, this is an excerpt -- I'll</p> <p>11 represent this is an excerpt of a longer document.</p> <p>12 Please take a moment to review the exhibit.</p> <p>13 A. Okay.</p> <p>14 Q. I see that the heading under -- or beginning</p> <p>15 Rule 5.11 says "special orders."</p> <p>16 A. Yes.</p> <p>17 Q. Now, I know these are the Senate rules, but can</p> <p>18 you tell me what a special order is?</p> <p>19 MR. SWEETEN: Objection. Foundation. You</p> <p>20 can answer as a general matter.</p> <p>21 A. The general rule is to a bill that goes sort</p> <p>22 of, I guess, to the front of the line in consideration.</p> <p>23 Q. Do you see in Rule 5.11, Section D where it</p> <p>24 says -- Well, first let me read from Section A to make</p> <p>25 sure we have that foundation established. "Rule 5.11(a)</p> |
| <p style="text-align: center;">82</p> <p>1 the two previous House bills we've looked at today be</p> <p>2 germane to a -- as an amendment to a bill concerning</p> <p>3 voting by military members?</p> <p>4 MR. SWEETEN: Don't answer the question.</p> <p>5 It would require you to reveal your thoughts and mental</p> <p>6 impressions about legislation that are subject to the</p> <p>7 legislative privilege, and I instruct you not to answer.</p> <p>8 Q. Are you taking your counsel's advice,</p> <p>9 Ms. Davis?</p> <p>10 A. Yes.</p> <p>11 Q. Do you have any reason to doubt the author of</p> <p>12 this article's statement starting in the paragraph</p> <p>13 "Brown told me"?</p> <p>14 MR. SWEETEN: Are you asking her -- I</p> <p>15 mean, I think that that would require her to provide her</p> <p>16 thoughts and mental impressions about the veracity of</p> <p>17 that statement. She doesn't have to provide those if</p> <p>18 they would reveal legislative privilege, so I'm going to</p> <p>19 instruct her not to answer that question also.</p> <p>20 Q. As a general matter, what factors do you</p> <p>21 consider in deciding whether an amendment to a bill is</p> <p>22 germane?</p> <p>23 A. I mean, you look at the language of the bill.</p> <p>24 You look at the amendment. You have the -- Listen to</p> <p>25 the explanation of the amendment and the precedent,</p> | <p style="text-align: center;">84</p> <p>1 states that any bill, resolution or other measure may on</p> <p>2 any day be made a special order for a future time of the</p> <p>3 session by an affirmative vote of two-thirds of the</p> <p>4 members present"; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And can you put that into lay terms, explain it</p> <p>7 to someone who's not very familiar with parliamentary</p> <p>8 procedure what that means?</p> <p>9 MR. SWEETEN: Hold on a minute. She's not</p> <p>10 going to interpret Senate rules. She can testify as to</p> <p>11 what a special order is or the general purpose of Rule</p> <p>12 5.11, but she's not going to go down here and give whys</p> <p>13 and what fors and mental processes of these. With that,</p> <p>14 you can go ahead and answer.</p> <p>15 A. Yeah. I'm not an expert on Senate rules, so --</p> <p>16 but a special order means that a bill gets special</p> <p>17 consideration above other bills.</p> <p>18 Q. Is it correct that as a general matter it takes</p> <p>19 a two-thirds vote of those senators present in order for</p> <p>20 something to be made a special order?</p> <p>21 A. That's what this rule says. I think it says</p> <p>22 that.</p> <p>23 Q. And then so reading from Part D of Rule 5.11,</p> <p>24 it states that "Notwithstanding Subsection A of this</p> <p>25 rule, a bill or resolution relating to voter</p> |



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1 identification requirements reported favorably from the
2 committee of the whole Senate may be set as a special
3 order for a time at least 24 hours after the motion is
4 adopted by a majority of the members of the Senate." Do
5 you see that?

6 A. Yes.

7 Q. How do you understand this Subpart D to affect
8 the rule that's set out in Part A that we just talked
9 about?

10 MR. SWEETEN: Don't answer the question.
11 You are asking for matters of legislative privilege
12 including her interpretation of the specifics of this
13 rule. She can give you a general purpose answer as to
14 what is the general purpose to the extent she even
15 knows, but she's not going to go through and reveal her
16 thoughts and mental impressions about the Rule 5.11.
17 General purpose is acceptable, and so we will allow her
18 to answer that if she knows.

19 A. Just generally is -- I mean, that a voter ID
20 can be set as a special order.

21 Q. And in order for a voter ID bill to be set as a
22 special order, this 5.11(d) would require only a
23 majority of the members of the Senate to vote to make it
24 a special orders; is that right?

25 MR. SWEETEN: You can answer based on the

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1 text of the bill.

2 A. Yeah. It says after the motion is adopted by a
3 majority of the members of the Senate that it may be set
4 as a special order.

5 Q. Is there a similar rule to this Rule 5.11 in
6 the House rules concerning special orders?

7 MR. SWEETEN: You can answer as a general
8 matter.

9 A. A general rule for special orders?

10 Q. M-hm.

11 A. I believe, yes.

12 Q. Do you know what vote or how many votes are
13 required in order to make a bill a special order?

14 A. I believe it's is two-thirds present, but I'd
15 have to see the rule.

16 Q. Have you ever seen an instance under -- Let's
17 say starting with the House rules. Have you ever seen
18 an instance in which the rule concerning special orders
19 sets out an exception for a particular type of
20 legislation such as what we saw in 5.11(d)?

21 A. In the House rules?

22 Q. Correct.

23 A. Not to my knowledge, no.

24 Q. Other than this Rule 5.11(d) in the Senate
25 rules, are you aware of any other time during which the

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1 Senate rules carved out a particular type of legislation
2 from the general rules governing special orders?

3 MR. SWEETEN: Objection. Foundation.

4 Objection. Calls for speculation.

5 A. I don't know.

6 Q. Can I take that to mean you are not aware of
7 any other instances besides voter identification?

8 A. Right. I'm not sure. They changed the rules.
9 I don't know the answer to that.

10 Q. And when we looked at that article from
11 March 2009 and it referred to a special rule governing
12 voter identification with respect to special orders, is
13 this the type of special rule that you take the article
14 to be referring to?

15 MR. SWEETEN: Hold on a minute. You are
16 asking her to interpret the words in an article that she
17 hasn't seen before today, and you are asking her is this
18 the type of rule that is referred to in the article.

19 That is -- First of all, that calls for
20 her to speculate. Secondly, I think that that would --
21 could implicate any conversation she's had that were
22 subject to the legislative privilege and/or her thoughts
23 and mental processes about a certain legislation
24 including legislation referred to in this article.

25 So from that standpoint, I object based on

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1 legislative privilege.

2 Q. (BY MR. HARRIS) Ms. Davis, turning back to
3 Exhibit 8, the article that we were looking at in the
4 paragraph beginning with the word perspective, I think
5 we already read from a parenthetical that said, "This
6 year, Senate Republicans revised the body's rules
7 enabling action on the voter ID topic by a simple
8 majority vote." Do you have any understanding as to
9 what that means?

10 MR. SWEETEN: Don't reveal matters of
11 legislative privilege in answering this question
12 including your thought processes about legislation or
13 conversations that you had with anyone that would be
14 protected, okay? If you can't answer it without doing
15 that, then don't answer the question, okay?

16 A. There was -- There was a rules change at the
17 beginning of the session that was related to voter ID in
18 the Senate.

19 Q. Did that rules change concern special orders?

20 A. I don't remember the text of it, but that
21 was -- that was the rule -- that was the rules change
22 they brought up -- they considered on the first day of
23 session or at the beginning.

24 Q. Do you know why there was a rules change
25 concerning voter identification under the Senate rules?



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| <p style="text-align: center;">89</p> <p>1 MR. SWEETEN: Don't answer. Calls for</p> <p>2 matters of legislative privilege. Instruct not to</p> <p>3 answer.</p> <p>4 MR. HARRIS: The question was do you know</p> <p>5 why.</p> <p>6 MR. SWEETEN: Do you know why? And you</p> <p>7 want a yes or no answer that -- You can answer yes or no</p> <p>8 or I don't know, but you are not -- don't give anymore</p> <p>9 substance than that, okay?</p> <p>10 A. No.</p> <p>11 Q. What is the effect of a special order as a</p> <p>12 general matter?</p> <p>13 MR. SWEETEN: In the House you are asking?</p> <p>14 MR. HARRIS: Let's start with the House.</p> <p>15 A. Generally it means that a -- an item or bill</p> <p>16 gets -- goes to the front of the line for consideration</p> <p>17 ahead of other matters.</p> <p>18 Q. Now, I know you said that you left your</p> <p>19 position as House parliamentarian in May 2007; is that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. By the time of the next regular session in</p> <p>23 January of 2009, you were back once again serving as</p> <p>24 House parliamentarian; is that right?</p> <p>25 A. Yes.</p> | <p style="text-align: center;">91</p> <p>1 Q. What does that mean?</p> <p>2 A. It's just the report as it came out of the</p> <p>3 House -- of a Senate bill as it came out of the House</p> <p>4 committee.</p> <p>5 Q. Do you recall anything about the legislative</p> <p>6 history of this bill in the Senate before it came to the</p> <p>7 House?</p> <p>8 A. No.</p> <p>9 (League Exhibit 11 marked.)</p> <p>10 Q. I'd ask this document be marked as League</p> <p>11 Exhibit 11. And, Ms. Davis, please take a moment to</p> <p>12 look over the document.</p> <p>13 A. Okay.</p> <p>14 Q. Are you able to tell from this legislative</p> <p>15 history -- Well, stepping back, it looks like this bill,</p> <p>16 SB362, was filed on December 15th, 2008; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And then on -- it looks like February 17th,</p> <p>19 2009, the bill was referred to the committee of the</p> <p>20 whole; is that right?</p> <p>21 A. Yes.</p> <p>22 Q. I believe you stated that there is a process in</p> <p>23 the House by which a bill could be referred to a</p> <p>24 committee of the whole House; is that right?</p> <p>25 A. Yes.</p> |
| <p style="text-align: center;">90</p> <p>1 Q. Do you recall a voter ID bill being introduced</p> <p>2 during the 2009 regular session?</p> <p>3 A. Yes.</p> <p>4 Q. What do you recall about that?</p> <p>5 MR. SWEETEN: Objection to the question as</p> <p>6 vague. In answering the question, don't reveal anything</p> <p>7 that would be subject to the legislative privilege. You</p> <p>8 can refer to matters of the public record.</p> <p>9 A. I remember -- I remember bills being filed on</p> <p>10 voter ID.</p> <p>11 Q. Do you remember what happened to those bills</p> <p>12 ultimately?</p> <p>13 MR. SWEETEN: Again, you can refer to</p> <p>14 matters of the public record. Don't reveal privilege.</p> <p>15 A. I think there were bills filed that were</p> <p>16 referred and then beyond that, you know, committees.</p> <p>17 (League Exhibit 10 marked.)</p> <p>18 Q. I'd ask that this document be marked as League</p> <p>19 Exhibit 10. Ms. Davis, this appears to be a copy of a</p> <p>20 version of SB362; is that right?</p> <p>21 A. Yes.</p> <p>22 Q. And the notations at the top of the first page</p> <p>23 say, "House Committee Report, 1st Printing." Do you see</p> <p>24 that?</p> <p>25 A. Yes.</p> | <p style="text-align: center;">92</p> <p>1 Q. I believe you previously stated -- And if we've</p> <p>2 already covered this ground, I apologize, but I believe</p> <p>3 you previously stated that you do not recall any</p> <p>4 instances during your time in service to the House in</p> <p>5 which a bill was referred to the committee of the whole</p> <p>6 House; is that right?</p> <p>7 MR. SWEETEN: Objection. Asked and</p> <p>8 answered. Go ahead.</p> <p>9 A. Correct.</p> <p>10 Q. Putting aside SB362, which we are looking at</p> <p>11 now, are you aware of any other instance in which the</p> <p>12 Senate referred -- or which a bill was referred to the</p> <p>13 committee of the whole Senate?</p> <p>14 A. I believe redistricting -- there was a</p> <p>15 redistricting bill referred to committee of the whole in</p> <p>16 2001.</p> <p>17 Q. Is that the only other instance you are aware</p> <p>18 of in which a bill -- Putting aside SB362 in that</p> <p>19 instance, are you aware of any other times when a bill</p> <p>20 was referred to the committee of the whole Senate?</p> <p>21 A. Well, I left the Senate after that, so I don't</p> <p>22 know what had happened after that.</p> <p>23 Q. As a general matter, why would a bill be</p> <p>24 referred to the committee of the whole?</p> <p>25 MR. SWEETEN: Don't answer the question to</p> |



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| <p style="text-align: center;">93</p> <p>1 the extent it would require you to reveal your thoughts,</p> <p>2 mental impressions about a specific piece of</p> <p>3 legislation. If you cannot do so, do not, and, also, it</p> <p>4 calls for speculation.</p> <p>5 A. I don't know.</p> <p>6 Q. Are you familiar with the lieutenant governor's</p> <p>7 powers with respect to the Texas Senate?</p> <p>8 A. Generally, yes.</p> <p>9 Q. Do you know whether there's any significance</p> <p>10 with respect to the lieutenant governor's role when a</p> <p>11 bill is referred to the committee of the whole Senate?</p> <p>12 MR. SWEETEN: Are you asking what is his</p> <p>13 public role with respect to the committee because I'll</p> <p>14 let her answer as to the public role, but if you are</p> <p>15 asking about specifics -- by role, that's a very vague</p> <p>16 term.</p> <p>17 Q. Let me rephrase the question and maybe that</p> <p>18 will solve multiple problems. What are the lieutenant</p> <p>19 governor's powers and/or duties when a bill is referred</p> <p>20 to the committee of the whole Senate?</p> <p>21 A. Oh, I don't know. Under the Senate rules, I</p> <p>22 don't know.</p> <p>23 Q. It looks like on -- well, on the date column,</p> <p>24 it says March 11, 2009, but there's a comment that says</p> <p>25 March 16, 2009, but putting aside that wrinkle, it looks</p> | <p style="text-align: center;">95</p> <p>1 bill to the committee on elections?</p> <p>2 A. It's the speaker's decision to refer bills.</p> <p>3 Q. Did he consult you with respect to which</p> <p>4 committee to refer SB362 to?</p> <p>5 MR. SWEETEN: You can answer if you had</p> <p>6 any conversations or communications with the him about</p> <p>7 that subject matter. Don't reveal the communications</p> <p>8 themselves.</p> <p>9 A. I don't remember.</p> <p>10 Q. Do you recall having any discussions with any</p> <p>11 members of the House about SB362?</p> <p>12 A. I'm sure we discussed SB362.</p> <p>13 Q. When you say "we," who are you referring to?</p> <p>14 A. Members and myself.</p> <p>15 Q. Do you recall the names of particular members</p> <p>16 of the House with whom you discussed SB362?</p> <p>17 A. No, other than maybe the chairman of elections</p> <p>18 maybe, but other than that, I don't.</p> <p>19 Q. Do you recall the general nature of your</p> <p>20 discussion with the chairman regarding SB362?</p> <p>21 A. No.</p> <p>22 MR. SWEETEN: Don't reveal the substance</p> <p>23 of the communication.</p> <p>24 A. No.</p> <p>25 Q. In the legislative history that we're looking</p> |
| <p style="text-align: center;">94</p> <p>1 like some point in mid-2011 -- excuse me, in mid-2009 --</p> <p>2 Let me rephrase again.</p> <p>3 At some point in mid-March of 2009, SB362</p> <p>4 was set as a special order; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. It looks like on March 17, 2009, there was a</p> <p>7 point of order made in the Senate and then overruled.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall anything about -- Do you recall</p> <p>11 anything from the public record about this point of</p> <p>12 order?</p> <p>13 A. No.</p> <p>14 Q. And then on March 18, 2009, it looks like the</p> <p>15 bill was reported engrossed from the Senate; is that</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. And that means that the bill passed the Senate</p> <p>19 by at least a majority vote; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. And it looks like on March 31st, 2009, this</p> <p>22 bill was referred to the House committee on elections;</p> <p>23 is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Were you involved in the decision to refer the</p> | <p style="text-align: center;">96</p> <p>1 at, are you able to tell what the ultimate disposition</p> <p>2 of SB362 was in the House?</p> <p>3 MR. SWEETEN: You can answer based on the</p> <p>4 document and it's a matter of public record.</p> <p>5 A. It was put on the calendar.</p> <p>6 Q. And that was the last action that was taken; is</p> <p>7 that right?</p> <p>8 A. Yes.</p> <p>9 Q. And it says that it was placed on the major</p> <p>10 state calendar on May 23, 2009. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Whats the major state calendar?</p> <p>13 A. That's just one of the calendars that the</p> <p>14 calendars committee can put bills on that is -- under</p> <p>15 the rules, any bill that they consider a major state</p> <p>16 bill or major bill, they put on there.</p> <p>17 Q. Is it correct that SB362 did not pass out of</p> <p>18 the House ultimately?</p> <p>19 A. That's correct.</p> <p>20 Q. Again, taking a look at the text of SB362 or</p> <p>21 the version that's in front of you, do you have any</p> <p>22 understanding as to the source of the legislative</p> <p>23 language of SB362?</p> <p>24 A. No.</p> <p>25 Q. In looking at SB362 on Page 5, Section 63.0101,</p> |



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| <p style="text-align: center;">97</p> <p>1 do you see that that section sets forth documentation</p> <p>2 that is an acceptable form of photo identification under</p> <p>3 the -- under the bill?</p> <p>4 A. Yes.</p> <p>5 Q. And you see in what looks like Subpart 7, but</p> <p>6 got struck out and is now Subpart 6, that the valid</p> <p>7 forms of identification include a valid identification</p> <p>8 card containing the person's photograph and issued by</p> <p>9 either, A, an agency or institution of the Federal</p> <p>10 government or, B, an agency, institution or political</p> <p>11 subdivision of this state. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know whether that -- that Subsection 6</p> <p>14 that we just looked at would include as a valid form of</p> <p>15 identification a student ID card?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know who the sponsor in the Senate of</p> <p>18 SB362 was?</p> <p>19 A. Senator Fraser.</p> <p>20 Q. If Senator Fraser stated publicly on the floor</p> <p>21 of the Senate that he understood Section 6 of SB362, the</p> <p>22 provision providing that an individual -- that an</p> <p>23 identification card issued by an agency, institution or</p> <p>24 political subdivision of Texas would be an acceptable</p> <p>25 form of ID, if Senator Fraser had stated that he thought</p> | <p style="text-align: center;">99</p> <p>1 A. It's just when people delay, use dilatory</p> <p>2 tactics to stall, like filibustering, things like that.</p> <p>3 Q. What are the common methods used to stall a</p> <p>4 bill through a chub or chub-a-thon?</p> <p>5 MR. SWEETEN: You can discuss matters of</p> <p>6 public record or general parliamentary procedures.</p> <p>7 A. You mean in the House or in the Senate?</p> <p>8 Q. In the House. Excuse me.</p> <p>9 A. Questions -- I think probably asking lots and</p> <p>10 lots and lots of questions, detailed questions,</p> <p>11 irrelevant questions of the author of the bill or of an</p> <p>12 amendment.</p> <p>13 Q. Do you recall whether SB362 was the subject of</p> <p>14 a chub-a-thon in the House?</p> <p>15 MR. SWEETEN: You can refer to matters of</p> <p>16 the public record.</p> <p>17 A. Well, it was not taken up on the calendar, so I</p> <p>18 don't understand your question.</p> <p>19 Q. When you say the bill "was not taken up on the</p> <p>20 calendar," what are you referring to?</p> <p>21 MR. SWEETEN: Again, you can answer as to</p> <p>22 matters of public record.</p> <p>23 A. This says it was set on the calendar, but I</p> <p>24 don't believe we ever reached the bill on the calendar.</p> <p>25 Q. Is there any means through which someone can</p> |
| <p style="text-align: center;">98</p> <p>1 that section included a student ID would have any reason</p> <p>2 to doubt that statement?</p> <p>3 MR. SWEETEN: Don't answer the question as</p> <p>4 phrased. Calls for matters of legislative privilege.</p> <p>5 His statement is his statement. She's not going to</p> <p>6 interpret his statement.</p> <p>7 Q. Are you aware of Senator Fraser making any such</p> <p>8 statement?</p> <p>9 A. No.</p> <p>10 Q. So as a general matter, do you think that the</p> <p>11 author or the sponsor of a bill is in a good position to</p> <p>12 interpret the language of the bill?</p> <p>13 MR. SWEETEN: Objection. Calls for</p> <p>14 speculation. Objection. Compound. Objection.</p> <p>15 Relevance.</p> <p>16 Q. You may answer, Ms. Davis.</p> <p>17 THE WITNESS: Can you reread the question?</p> <p>18 (Requested portion was read.)</p> <p>19 MR. SWEETEN: Same objection and</p> <p>20 argumentative. Go ahead.</p> <p>21 A. Generally, yes.</p> <p>22 Q. Are you familiar with the term chub or</p> <p>23 chub-a-thon?</p> <p>24 A. Yes.</p> <p>25 Q. What do those terms refer to?</p> | <p style="text-align: center;">100</p> <p>1 use the local and consent calendar bill -- Let me step</p> <p>2 back. Is there such a thing as a local and consent</p> <p>3 calendar?</p> <p>4 A. Yes.</p> <p>5 Q. What is that?</p> <p>6 A. That is a separate calendar for bills that</p> <p>7 are -- local bills that are considered to be consent</p> <p>8 bills or noncontroversial bills, to pass them quickly.</p> <p>9 Q. Do you recall any -- any members using the</p> <p>10 local and consent calendar as a means to stall</p> <p>11 consideration of SB362?</p> <p>12 A. Yes.</p> <p>13 Q. What do you recall about that?</p> <p>14 MR. SWEETEN: You can refer only to</p> <p>15 matters of the public record. Don't reveal matters of</p> <p>16 privilege including privileged conversations, okay?</p> <p>17 A. I just remember being on the local calendar for</p> <p>18 a long time, days and days.</p> <p>19 Q. Who controls how long a bill stays on the local</p> <p>20 calendar?</p> <p>21 MR. SWEETEN: You can answer as a general</p> <p>22 matter of parliamentary procedure.</p> <p>23 A. What do you mean? I don't understand your</p> <p>24 question.</p> <p>25 Q. Well, I believe you previously stated that you</p> |



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| <p style="text-align: center;">101</p> <p>1 are aware of the local and consent calendar being used</p> <p>2 to stall consideration of SB362.</p> <p>3 A. Right. And there were lots of bills on the</p> <p>4 calendar, so the members, the author of the bill and the</p> <p>5 presiding officers in the chair -- the presiding officer</p> <p>6 who's providing over the local and consent calendar</p> <p>7 would control that.</p> <p>8 Q. With respect to SB362 in 2009, do you know who</p> <p>9 had that kind of control?</p> <p>10 A. You mean who's presiding over the local</p> <p>11 calendar?</p> <p>12 Q. Correct.</p> <p>13 A. That would have been Craig Eiland.</p> <p>14 Q. What can be done to overcome a chub-a-thon?</p> <p>15 MR. SWEETEN: You can answer based on</p> <p>16 matters of general parliamentary procedure. Don't</p> <p>17 reveal matters of privilege.</p> <p>18 A. For the local calendar or for anything?</p> <p>19 Q. Let that's start with the local calendar.</p> <p>20 A. You can use, I guess, a variety of maybe</p> <p>21 procedural things to -- to try to overcome, and I would</p> <p>22 have to go back and research it. Probably some vote</p> <p>23 suspensions, maybe -- since it's a special order,</p> <p>24 probably have to do some kind of extraordinary vote</p> <p>25 requirement or something like that.</p> | <p style="text-align: center;">103</p> <p>1 communications that you had with anyone. So in</p> <p>2 answering this question, just be mindful of privilege.</p> <p>3 You can answer as a general matter.</p> <p>4 A. Just a general role, moving things through,</p> <p>5 things like that, like you do with all the bills, just</p> <p>6 making sure you move the process.</p> <p>7 Q. As a general matter, what do you do to make</p> <p>8 sure that you move the process?</p> <p>9 MR. SWEETEN: You're starting to intrude</p> <p>10 by this question into matters that would be subject to</p> <p>11 legislative privilege, motivations, thoughts,</p> <p>12 impressions about bills, discussions that she may have</p> <p>13 had. When you are asking about strategy, you are</p> <p>14 intruding in a legislative privilege. I'm going to</p> <p>15 object. I'm going to instruct her not to answer that</p> <p>16 question as phrased.</p> <p>17 Q. I'll try to rephrase. Putting aside any</p> <p>18 particular piece of legislation, what is the role of the</p> <p>19 chief of staff with respect to moving bills along?</p> <p>20 A. You just listen to the members, listen to the</p> <p>21 parliamentarian, the speaker and facilitate.</p> <p>22 Q. As chief of staff to Speaker Straus, did you</p> <p>23 have many discussions with members of the House</p> <p>24 concerning voter ID laws?</p> <p>25 MR. SWEETEN: You can answer yes or no as</p> |
| <p style="text-align: center;">102</p> <p>1 Q. You stated that SB362 was the subject of a</p> <p>2 chub-a-thon via the local consent calendar. Do you see</p> <p>3 that reflected somehow in the legislative history that</p> <p>4 we looked at?</p> <p>5 A. Of 362?</p> <p>6 Q. Yes.</p> <p>7 MR. SWEETEN: You are asking her about</p> <p>8 Exhibit 11 -- whether it's in Exhibit 11? Is that the</p> <p>9 question?</p> <p>10 MR. HARRIS: Correct.</p> <p>11 A. I don't see it in the calendar or on the -- on</p> <p>12 this action report. I don't see it there.</p> <p>13 Q. In January of 2010 you became chief of staff to</p> <p>14 Speaker Straus; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. During your time as chief of staff to Speaker</p> <p>17 Straus, did you have any involvement with respect to</p> <p>18 voter ID legislation?</p> <p>19 MR. SWEETEN: You can answer yes or no to</p> <p>20 that question.</p> <p>21 A. Yes.</p> <p>22 Q. What was your role with respect to voter ID</p> <p>23 legislation as chief of staff to Speaker Straus?</p> <p>24 MR. SWEETEN: You can give a general</p> <p>25 answer. Do not reveal privilege including</p> | <p style="text-align: center;">104</p> <p>1 to whether you had communications.</p> <p>2 A. Yes.</p> <p>3 Q. Which members did you discuss voter ID with?</p> <p>4 MR. SWEETEN: You can answer, but don't</p> <p>5 reveal the substance of the communications.</p> <p>6 A. Todd Hunter, Patricia Harless. That would be</p> <p>7 all I would remember off top of my head.</p> <p>8 Q. How frequently did you discuss voter ID with</p> <p>9 Mr. Hunter?</p> <p>10 A. Not -- Not much.</p> <p>11 Q. Can you be more specific?</p> <p>12 A. More specific as in how many times?</p> <p>13 Q. Yes.</p> <p>14 A. Maybe two or three times.</p> <p>15 Q. Do you recall when those discussions took</p> <p>16 place?</p> <p>17 A. No, not -- not the specific dates.</p> <p>18 Q. Are you able to narrow it down to a particular</p> <p>19 year?</p> <p>20 A. Well, in the spring -- spring of last year.</p> <p>21 Q. And how about Representative Harless? How</p> <p>22 often did you speak to her about voter ID laws?</p> <p>23 A. Oh, maybe -- maybe three or four times.</p> <p>24 Meredyth Fowler was the policy person, so she was the</p> <p>25 lead policy person on it, so maybe three or four times.</p> |



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| <p style="text-align: center;">105</p> <p>1 Q. And you said that Meredyth Fowler was the lead</p> <p>2 policy person for Speaker Straus on the issue of voter</p> <p>3 ID; is that right?</p> <p>4 A. Right.</p> <p>5 Q. Who else from the speaker's office worked on</p> <p>6 the issue of voter ID?</p> <p>7 A. Directly, pretty much Meredyth. I mean, she</p> <p>8 was the point person on it.</p> <p>9 Q. Would Ms. Fowler consult with you regarding</p> <p>10 voter ID?</p> <p>11 A. You mean, the substance of it or what was going</p> <p>12 on with it, things like that?</p> <p>13 Q. Well, let's just start as a general matter, did</p> <p>14 she talk to you about it at all?</p> <p>15 A. Yes.</p> <p>16 Q. Did she ever talk to you about the substance of</p> <p>17 it?</p> <p>18 A. Yes.</p> <p>19 MR. HARRIS: Let's take a short break, if</p> <p>20 that's okay.</p> <p>21 THE WITNESS: Okay.</p> <p>22 (Recess from 1:28 p.m. to 1:40 p.m.)</p> <p>23 Q. (BY MR. HARRIS) Are you familiar with the</p> <p>24 process through which the governor of Texas may declare</p> <p>25 a particular type of legislation to be an emergency</p> | <p style="text-align: center;">107</p> <p>1 parliamentary procedure as to matters of the public</p> <p>2 record.</p> <p>3 A. Well, the governor issues a proclamation</p> <p>4 designating something an emergency. The House and the</p> <p>5 Senate receive it and decide whether or not they want to</p> <p>6 act on it and how they want to take it up.</p> <p>7 Q. Does it make any difference whether the</p> <p>8 governor declares something to be an emergency item or</p> <p>9 not in terms of how and when it gets considered by the</p> <p>10 legislature?</p> <p>11 MR. SWEETEN: You can answer as matters of</p> <p>12 public record.</p> <p>13 A. There's precedent in the rules that says</p> <p>14 it's -- the House gets to decide how they want to handle</p> <p>15 emergency matters.</p> <p>16 Q. There's an emergency calendar in the House; is</p> <p>17 that right?</p> <p>18 A. Yes.</p> <p>19 Q. And the rules provide that -- that certain</p> <p>20 issues -- bills concerning certain issues may be</p> <p>21 assigned to the emergency calendar. Is that your</p> <p>22 understanding?</p> <p>23 A. Yes.</p> <p>24 Q. And the rules also state that a bill deemed to</p> <p>25 be an emergency by the governor may be placed on the</p> |
| <p style="text-align: center;">106</p> <p>1 item?</p> <p>2 A. Yes.</p> <p>3 Q. Can you tell me how that process works?</p> <p>4 MR. SWEETEN: You can answer as a general</p> <p>5 matter to your understanding. Don't -- And objection to</p> <p>6 the extent it calls for speculation. Go ahead.</p> <p>7 A. The legislature gets a proclamation from the</p> <p>8 governor designating an item an emergency.</p> <p>9 Q. Within a particular session, how many items</p> <p>10 does the governor typically declare to be an emergency?</p> <p>11 A. I mean, it's up to the governor to decide what</p> <p>12 he wants, as many as or few as he wants.</p> <p>13 Q. In your experience from your years in the Texas</p> <p>14 House, how many items in a -- would be designated</p> <p>15 emergency items in a particular session?</p> <p>16 A. Oh, you know, I can't say. Off the top of my</p> <p>17 head, it's -- you know.</p> <p>18 Q. Would it be like less than 10 in a year?</p> <p>19 A. In a session?</p> <p>20 Q. In a session.</p> <p>21 A. Without specials or regular? Possibly, yeah.</p> <p>22 It's just up to the governor.</p> <p>23 Q. What is the effect of the governor issuing a</p> <p>24 proclamation that an item is an emergency item?</p> <p>25 MR. SWEETEN: You can answer as a general</p> | <p style="text-align: center;">108</p> <p>1 emergency calendar; is that right?</p> <p>2 A. Yes, it may be.</p> <p>3 Q. And what is the emergency calendar?</p> <p>4 A. I mean, it's one of the calendars that the</p> <p>5 calendars committee can assign bills to that it has</p> <p>6 determined are important bills that are emergency in</p> <p>7 nature.</p> <p>8 Q. Given that the emergency calendar is for</p> <p>9 important bills that are of an emergency in nature, is</p> <p>10 it the case that bills assigned to the emergency</p> <p>11 calendar can be considered sooner than other bills?</p> <p>12 MR. SWEETEN: Objection. Assumes facts</p> <p>13 not in evidence. Also, you can answer as a matter of</p> <p>14 general parliamentary procedures or matters of the</p> <p>15 public record. Don't reveal matters of privilege.</p> <p>16 A. What do you mean by sooner?</p> <p>17 Q. Why have an emergency calendar?</p> <p>18 MR. SWEETEN: You can answer as a matter</p> <p>19 of general parliamentary procedure.</p> <p>20 A. Well, the rules put the emergency calendar in</p> <p>21 the system of calendars as the first calendar. So if</p> <p>22 the bill is assigned to an emergency calendar, then it</p> <p>23 is taken up ahead of the other bills.</p> <p>24 Q. As a general matter, if a bill concerning voter</p> <p>25 identification requirements were not designated by the</p> |

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| <p style="text-align: center;">109</p> <p>1 governor as an emergency item, could that bill be 2 assigned to the emergency calendar?</p> <p>3 MR. SWEETEN: You can answer as to general 4 parliamentary matters, matters of public record. Don't 5 reveal privileged information.</p> <p>6 Q. It could be so assigned?</p> <p>7 A. Yes.</p> <p>8 Q. And I think you said that the emergency 9 calendar set forth the types of bills that could be -- 10 that could be assigned to that calendar; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. Which category of bills would a voter ID 13 legislation not designated as an emergency by the 14 governor fall within?</p> <p>15 A. Rule 7 says --</p> <p>16 MR. SWEETEN: Same instruction. Go ahead.</p> <p>17 A. -- "Emergency calendar on which shall appear 18 bills considered to be of such pressing and imperative 19 import as to demand immediate action."</p> <p>20 Q. And so it could fall into that category?</p> <p>21 A. If the calendars committee believes that that 22 rule applies, yes.</p> <p>23 Q. As a general matter, why would the governor 24 deem something to be an emergency?</p> <p>25 MR. SWEETEN: Objection. That calls for</p> | <p style="text-align: center;">111</p> <p>1 Q. Yes.</p> <p>2 A. Yes.</p> <p>3 Q. Did the governor's office consult with the 4 speaker or the speaker's office concerning whether or 5 not to designate voter ID as an emergency item?</p> <p>6 MR. SWEETEN: I will let her answer as to 7 the general subject matter of -- of the issue of 8 emergency legislation. You've put too much substance in 9 that question for me to let her answer as phrased, so if 10 you want to ask a more general subject matter question, 11 I'll let her answer.</p> <p>12 MR. HARRIS: I think that the general 13 matter was covered by the last question. I would argue 14 that nothing more than my question would have to go on a 15 privilege log, but not interested in fighting that out 16 here in the room.</p> <p>17 MR. SWEETEN: If you want to ask her if 18 there were communications between Speaker Straus's 19 office and the governor's office about whether this was 20 an emergency, I will let her answer that question, but 21 not anymore substance than that.</p> <p>22 Q. Were there any discussions between the governor 23 or his staff and the speaker or his staff concerning 24 whether to designate voter ID as an emergency?</p> <p>25 MR. SWEETEN: It's the same question that</p> |
| <p style="text-align: center;">110</p> <p>1 matters of legislative privilege and calls for 2 speculation. Don't answer the question as posed.</p> <p>3 Q. Putting aside any particular legislation and 4 given that the governor is not a legislator, as a 5 general matter, why would the governor deem something to 6 be an emergency?</p> <p>7 MR. SWEETEN: Objection. Calls for 8 speculation. Objection. Could require her to reveal 9 her thoughts and mental processes about legislation 10 which she does not have to do or communications with 11 state agencies or other protected members. Don't answer 12 to the extent you would do that.</p> <p>13 Q. Are you able to answer the question in spite of 14 counsel's objection?</p> <p>15 A. I don't know the answer. I don't know why the 16 governor decides something is an emergency or not. I 17 don't know the answer. That is something that he does 18 with his staff in his office.</p> <p>19 Q. Does the governor's office ever consult with 20 the speaker or his staff with respect to which items to 21 designate as an emergency?</p> <p>22 MR. SWEETEN: You can answer as to whether 23 or not there are communications covering that general 24 issue.</p> <p>25 A. Do they ever consult?</p> | <p style="text-align: center;">112</p> <p>1 you asked. I'm going to let you answer yes or no.</p> <p>2 A. I actually don't remember if we talked about it 3 with them or not.</p> <p>4 Q. Do you recall whether there were any 5 communications between the governor's office and the 6 speaker's office concerning the declaration of emergency 7 items in 2011?</p> <p>8 A. Yes.</p> <p>9 Q. And are you saying there were some 10 communications?</p> <p>11 A. Yes. A variety, but I don't know if this was 12 one or not because there were -- you know, there were 13 several.</p> <p>14 Q. Do you know why the governor designated voter 15 ID as an emergency item?</p> <p>16 A. No.</p> <p>17 Q. Do you recall what other items were designated 18 as an emergency during the regular 2011 session?</p> <p>19 A. I think Sanctuary Cities, sonogram bill, voter 20 ID, the Texas windstorm -- TWIA, Texas Windstorm 21 Insurance Association, and those are the ones I remember 22 off the top of my head. The pat-down bill -- the 23 homeless -- The pat-down bill.</p> <p>24 Q. Are you familiar with Senate Bill 14 from the 25 2011 82nd legislative session?</p> |



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| <p style="text-align: center;">113</p> <p>1 A. Not by number. I don't -- Not by that number. 2 (League Exhibit 12 marked.)</p> <p>3 Q. I would ask that this document be marked for 4 identification League Exhibit 12. And, Mrs. Davis, 5 please take a few moments to look over the document.</p> <p>6 A. Okay.</p> <p>7 Q. Does this refresh your recollection as to the 8 subject matter of Senate Bill 14 from the 82nd session?</p> <p>9 A. Yes.</p> <p>10 Q. And this bill, like the previous bills we 11 looked at, concerns identification requirements for 12 voters in Texas.</p> <p>13 A. Yes.</p> <p>14 Q. Is that right? Did you have any discussions 15 about SB14? I think I asked you previously about 16 general discussions you had with members. I believe you 17 said that you had discussions with Representative Hunter 18 and Representative Harless.</p> <p>19 A. Yes.</p> <p>20 Q. Did those discussions concern SB14?</p> <p>21 A. With -- With Representative Harless, we 22 probably discussed 14.</p> <p>23 Q. And what about Representative Hunter?</p> <p>24 A. I think those were mostly general discussions.</p> <p>25 Q. Other than those two representatives, did you</p> | <p style="text-align: center;">115</p> <p>1 election identification certificate or personal 2 identification card issued by the Department of Public 3 Safety that hasn't expired, a US military ID card with 4 the person's photograph, a US citizenship certificate 5 with the person's photograph, a passport, a license to 6 carry a concealed handgun -- or a license to carry a 7 concealed handgun.</p> <p>8 Q. And limiting your answer solely to the text of 9 the bills that we've looked at here today, how would you 10 compare Section 63.0101 in SB14 to the prior versions of 11 the voter ID bills that we looked at?</p> <p>12 MR. SWEETEN: She's not going to reveal 13 her mental thoughts and impressions about why 14 is 14 different than something else. If you want her to go 15 through the exercise of comparing the language of Senate 16 Bill 14 and the language of 362, as marginally relevant 17 as that would be, I will let her compare the actual text 18 in front of her. She will not reveal her mental 19 impression and thoughts about why these are different or 20 how they're different.</p> <p>21 Q. Well, limited yourself to a comparison of SB362 22 and SB14, please tell me how the bills differ in terms 23 of the identification permissible. And I will refer you 24 to Page 5 of SB362.</p> <p>25 A. Okay. Well, all I can do is read what's in</p> |
| <p style="text-align: center;">114</p> <p>1 speak to any other members of the House about SB14?</p> <p>2 A. I don't -- I don't -- Not to my memory, no.</p> <p>3 Q. Did you have any discussions with constituents 4 regarding SB14?</p> <p>5 A. No.</p> <p>6 Q. If you can take a look at Page 9 of the bill in 7 Section 63.0101.</p> <p>8 A. Okay.</p> <p>9 Q. Ms. Davis, do you agree that that appears to be 10 a list of documentation that is an acceptable photo 11 identification under the bill?</p> <p>12 A. Yes.</p> <p>13 Q. And how would you compare this list in 63.0101 14 to the list of identification permitted under previous 15 bills that we've looked at today?</p> <p>16 MR. SWEETEN: Do not answer. It would 17 require you to reveal your thoughts, mental impressions 18 about legislation instruction. Instruct you not to 19 answer based on legislative privilege.</p> <p>20 Q. What are the forms of identification that are 21 permitted under this bill, SB14?</p> <p>22 MR. SWEETEN: You can answer based on the 23 text of the bill.</p> <p>24 A. It says an acceptable form of photo 25 identification under this chapter, a driver's license,</p> | <p style="text-align: center;">116</p> <p>1 each one of them, but 5 -- I mean in SB362, you have a 2 photo ID, which would be a driver's license or photo ID 3 that hadn't expired or a military ID or a citizenship 4 certificate with the photograph, a passport, a concealed 5 handgun license or a valid ID card issued by a -- by the 6 Federal government or an agency, institution of the 7 Federal government or a political subdivision.</p> <p>8 Q. Do you agree that SB362 would also permit a 9 valid identification card issued by an agency, 10 institution or political subdivision of the State of 11 Texas?</p> <p>12 A. Yes.</p> <p>13 Q. And do you agree that SB14 in contrast does not 14 permit one to vote with a valid identification card 15 issued by an agency, institution or political 16 subdivision of the state?</p> <p>17 MR. SWEETEN: You can answer based on the 18 text of the bills he's got in front of you.</p> <p>19 A. No, I don't see that in the -- in Senate Bill 20 14.</p> <p>21 Q. And do you recall anything about the public 22 legislative history of SB14?</p> <p>23 A. So, no, not -- not off the top of my head I 24 don't, no.</p> <p>25 (League Exhibit 13 marked.)</p> |



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| <p style="text-align: center;">117</p> <p>1 Q. I'd ask that this document be marked as League</p> <p>2 Exhibit 13. Mr. Davis, please take a few moments or as</p> <p>3 much time as you need to familiarize yourself with the</p> <p>4 documents.</p> <p>5 A. Okay.</p> <p>6 Q. Do you agree this appears to be a legislative</p> <p>7 history of SB14 from the 82nd regular legislative</p> <p>8 session?</p> <p>9 A. Yes.</p> <p>10 Q. And it looks like this history is in reverse</p> <p>11 order of the ones we've been looking at previously, but</p> <p>12 turning to the -- to the last page of the exhibit, looks</p> <p>13 like SB14 was filed on January 12, 2011; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. And it looks like on January 24th, 2011 the</p> <p>16 bill was referred to the committee of the whole Senate.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know who makes appointments to</p> <p>20 particular committees on the Senate side?</p> <p>21 A. The lieutenant governor.</p> <p>22 Q. Do you know why the lieutenant governor</p> <p>23 referred SB14 to the committee of the whole Senate?</p> <p>24 MR. SWEETEN: Objection. Legislative</p> <p>25 privilege. Objection. Calls for speculation. It would</p> | <p style="text-align: center;">119</p> <p>1 set SB14 as a special order?</p> <p>2 A. The -- A majority of the members of the Senate.</p> <p>3 Q. Skipping ahead to January 26, 2011, this is on</p> <p>4 Page 6 of 10 of the exhibit.</p> <p>5 A. Okay.</p> <p>6 Q. Do you see that on January 26th, 2011, SB14 was</p> <p>7 reported engrossed from the Senate?</p> <p>8 A. Yes.</p> <p>9 Q. And that means that the bill passed the Senate;</p> <p>10 is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And at that time the bill went to the House; is</p> <p>13 that right?</p> <p>14 A. Yes.</p> <p>15 Q. Now, I see here that the bill was referred to</p> <p>16 the voter identification and voter fraud, select. Do</p> <p>17 you understand that to mean a select committee?</p> <p>18 A. Yes.</p> <p>19 Q. What is a select committee?</p> <p>20 MR. SWEETEN: You can answer as a general</p> <p>21 matter.</p> <p>22 A. Under the rules it's just a -- a committee</p> <p>23 that -- that can be created in the House under the</p> <p>24 rules, separate from a standing committee.</p> <p>25 Q. In general, what is the purpose of having a</p> |
| <p style="text-align: center;">118</p> <p>1 require her to reveal her mental thoughts, processes</p> <p>2 about why the lieutenant governor would have referred</p> <p>3 something to the committee of the whole which invades</p> <p>4 the legislative privilege or it also could require her</p> <p>5 to reveal communications that she's had with the various</p> <p>6 entities protected under the privilege. Therefore, my</p> <p>7 question is to not answer the question.</p> <p>8 MR. HARRIS: As before, I'm just asking if</p> <p>9 she knows why which requires a yes or no. Will you</p> <p>10 permit her to answer yes or no?</p> <p>11 MR. SWEETEN: You can answer that question</p> <p>12 yes or no.</p> <p>13 A. No.</p> <p>14 Q. And then it looks like on January 25, 2011,</p> <p>15 SB14 was set as a special order; is that right?</p> <p>16 A. Where?</p> <p>17 Q. On January 25th, 2011, you see there's a few</p> <p>18 actions taken that day, but I see --</p> <p>19 A. Yes.</p> <p>20 Q. -- one entry that says "set as special order,"</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. Based on our previous review of -- of the</p> <p>24 Senate rules with respect to special orders in voter ID,</p> <p>25 do you know how many votes would have been required to</p> | <p style="text-align: center;">120</p> <p>1 select committee?</p> <p>2 MR. SWEETEN: Don't reveal matters of</p> <p>3 legislative privilege. If in doing so, it would, do not</p> <p>4 answer the question.</p> <p>5 A. You can have a lot of reasons for it. It</p> <p>6 depends on the issue, the legislature, the members'</p> <p>7 interests, whatever. A variety of reasons.</p> <p>8 Q. What's the difference between a select and a</p> <p>9 standing committee?</p> <p>10 A. A standing committee is considered to be a -- a</p> <p>11 permanent -- permanently in the rules from session to</p> <p>12 session, and a select committee usually lasts for that</p> <p>13 particular legislature.</p> <p>14 Q. When was the voter identification and voter</p> <p>15 fraud select committee established?</p> <p>16 A. Last -- Last session during the committee</p> <p>17 appointments.</p> <p>18 Q. Were any bills other than SB14 referred to the</p> <p>19 voter identification and voter fraud select committee?</p> <p>20 A. I believe, yes. I believe there were some that</p> <p>21 were -- that were sent there initially, yes.</p> <p>22 Q. And which bills are you referring to?</p> <p>23 A. I don't know off the top of my head. I believe</p> <p>24 some were sent there and then re-referred to elections</p> <p>25 or whatever.</p> |



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| <p style="text-align: center;">121</p> <p>1 Q. Why was SB14 bill -- let me -- Let's step back</p> <p>2 for a second. Do you know why SB14 was referred to the</p> <p>3 voter identification and voter fraud select committee?</p> <p>4 A. No.</p> <p>5 Q. What is the process of creating a select</p> <p>6 committee?</p> <p>7 MR. SWEETEN: Don't reveal matters of</p> <p>8 privilege as to a specific piece of legislation. If</p> <p>9 doing so you would, then do not answer the question.</p> <p>10 A. It's just a proclamation that's issued by the</p> <p>11 speaker.</p> <p>12 Q. During your time in the House, how many select</p> <p>13 committees would typically be created in any given</p> <p>14 session?</p> <p>15 MR. SWEETEN: You can answer as a matter</p> <p>16 of public record.</p> <p>17 A. Well, they're created from one legislature to</p> <p>18 the next, so sometimes 9, 10, 11. I mean, just depends.</p> <p>19 Q. Are the select committees dissolved or</p> <p>20 terminated in some official way?</p> <p>21 A. They last from one legislature to the next.</p> <p>22 Q. Do you know whether there was any -- there had</p> <p>23 been a previous select committee on voter identification</p> <p>24 and voter fraud?</p> <p>25 A. I don't know.</p> | <p style="text-align: center;">123</p> <p>1 the speaker who she's testified designates the select</p> <p>2 committees. It would reveal thought processes. That's</p> <p>3 legislatively privileged. Don't answer.</p> <p>4 Q. As parliamentarian, would the speaker ever</p> <p>5 consult with you regarding whether or not to create a</p> <p>6 select committee?</p> <p>7 A. Yes.</p> <p>8 Q. What results would govern the decision whether</p> <p>9 or not to create a select committee?</p> <p>10 MR. SWEETEN: Same objection. Don't</p> <p>11 reveal the thought processes that the speaker may have</p> <p>12 had or your own internal thought processes as to why a</p> <p>13 select committee would be impacted in answering the</p> <p>14 question. Legislative privilege.</p> <p>15 A. Well, there are some rules in there -- in the</p> <p>16 House rules for the select committees, and I don't know</p> <p>17 what they are specifically, but there are rules in the</p> <p>18 rules -- in the House rules for it.</p> <p>19 Q. Skipping ahead in this legislative history that</p> <p>20 we've been looking at, it looks like SB14 passed the</p> <p>21 House on March 24th, 2011; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. It says that on April 5th, 2011, a House</p> <p>24 amendment was laid before the Senate. What do you</p> <p>25 understand that entry to mean?</p> |
| <p style="text-align: center;">122</p> <p>1 Q. Does the speaker appoint members to select</p> <p>2 committees?</p> <p>3 A. Yes.</p> <p>4 Q. As a general matter when you were chief of</p> <p>5 staff to the House -- excuse me -- to Speaker Straus,</p> <p>6 did he consult with you regarding whether or not to</p> <p>7 create a select committee?</p> <p>8 MR. SWEETEN: You can answer as to whether</p> <p>9 he consulted with you.</p> <p>10 A. Yes.</p> <p>11 Q. And would the speaker consult with you</p> <p>12 regarding members as a general matter to appoint to a</p> <p>13 select committee?</p> <p>14 A. Yes.</p> <p>15 Q. What sort of factors would you take into</p> <p>16 account as a general matter with respect to whether or</p> <p>17 not to create a select committee as opposed to just</p> <p>18 assigning a bill to one of the standing committees?</p> <p>19 MR. SWEETEN: Don't answer that. That</p> <p>20 would reveal matters of privilege. Instruct not to</p> <p>21 answer.</p> <p>22 MR. HARRIS: And just for the record,</p> <p>23 that -- the privilege you are asserting is a legislative</p> <p>24 privilege?</p> <p>25 MR. SWEETEN: Absolutely. With respect to</p> | <p style="text-align: center;">124</p> <p>1 A. That is the House version of the Senate bill</p> <p>2 that is Senate bill with House amendment attached to it.</p> <p>3 Q. It says that on that same day, April 5th, 2011,</p> <p>4 the Senate refuse to concur. Does that mean that</p> <p>5 the Senate refused to adopt the version of the bill as</p> <p>6 amended by the House?</p> <p>7 A. Yes.</p> <p>8 MR. SWEETEN: You can answer based on</p> <p>9 public record, which I think you are.</p> <p>10 A. Yes.</p> <p>11 Q. Then it looks like the Senate requested a</p> <p>12 conference committee on April 6, 2011. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. What is a conference committee?</p> <p>15 A. It's just a committee between of the House and</p> <p>16 the Senate that convenes to reconcile the differences</p> <p>17 between the House and Senate versions of the bill.</p> <p>18 Q. Who appoints members to the -- to a conference</p> <p>19 committee as a general matter?</p> <p>20 A. The lieutenant governor and the speaker.</p> <p>21 Q. Did the speaker consult with you regarding</p> <p>22 appointment of members to the conference committee for</p> <p>23 SB14?</p> <p>24 MR. SWEETEN: You can answer.</p> <p>25 A. Yes.</p> |



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1 Q. How many members of the House and Senate sit on
2 a conference committee?

3 A. Five members of the House and five members of
4 the Senate sit on a conference committee as a general
5 matter.

6 Q. As a general matter, how are members chosen to
7 sit on the conference committee?

8 MR. SWEETEN: Don't reveal any thought
9 processes of the speaker or yourself as to any
10 particular bill with respect to this. You can answer as
11 to matters of the public record, but don't reveal your
12 decisional process as a matter of legislative privilege.

13 A. Usually the author and the sponsor of the bill
14 are put on there and beyond that it's a number of
15 factors.

16 Q. What are those factors you are referring to?

17 A. It could be --

18 MR. SWEETEN: Same objection.

19 A. -- any of them.

20 Q. Well, when you say anything, there must be some
21 factors that are more typically considered, right?

22 MR. SWEETEN: Same instruction, but don't
23 reveal your thought processes regarding any specific
24 piece of legislation. If in answering the question you
25 do so, do not answer it.

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1 A. Interest, expertise, seniority, experience, a
2 number of things.

3 Q. Is there a required balance between Democrats
4 and Republicans that need to be appointed to a
5 conference committee?

6 A. No.

7 MR. SWEETEN: Same instruction.

8 Q. How would the speaker and lieutenant governor
9 typically decide how many Republicans and how many
10 Democrats to appoint to a conference committee without
11 regard to any particular piece of legislation?

12 MR. SWEETEN: You can answer if it will
13 not reveal motivations regarding any particular piece of
14 legislation. If it will, do not answer the question.

15 A. I can't answer it.

16 Q. And as a matter of the public record, is there
17 a -- typically certain members of Democrats and
18 Republicans appointed to a conference committee?

19 A. Yes.

20 Q. It looks like from this legislative history
21 that on May 5th, 2011, a conference committee report was
22 distributed. And I'm looking at the first page.

23 A. Yes.

24 Q. And then the last entry says that the Senate
25 adopted a resolution to go outside bounds on May 9,

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1 2011. Do you see that?

2 A. Yes.

3 Q. What does a resolution to go outside bounds
4 mean?

5 MR. SWEETEN: You can answer as a general
6 matter.

7 A. That is a resolution that gives the conference
8 committee permission to submit a bill that did more than
9 the original bill.

10 Q. And when you say "that did more than the
11 original bill," what do you mean by that?

12 A. That exceeded the jurisdiction of the original
13 bill, added new language that wasn't in either bill and
14 things like that.

15 Q. As a matter of public record do you know what
16 this entry is referring to with respect to SB14?

17 A. No, I don't.

18 Q. And it looks like on May 9, 2011, the Senate
19 adopted the conference committee report; is that right?

20 A. Yes.

21 Q. And then on May 16th, the House adopted the
22 conference committee report?

23 A. Yes.

24 Q. Is that right? And it looks like the bill was
25 signed in the House, the Senate and sent to the governor

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1 on May 18th, 2011; is that right?

2 A. Yes.

3 Q. With respect to any of the four voter ID bills
4 that we've looked at today, are you aware of any
5 analysis with regard to the number of voters in Texas
6 who lack the required forms of photo ID?

7 A. No.

8 Q. Are you aware of with -- Respect to any of
9 those same four bills, are you aware of any analysis
10 with respect to the proportion of racial or ethnic
11 minority groups that possess the required forms of photo
12 ID?

13 A. No.

14 Q. Are you aware of -- with respect to any of
15 these four bills, are you aware of any concerns
16 raised -- publicly raised by members of the House with
17 regard to the impact of the bill on racial or ethnic
18 minority groups?

19 MR. SWEETEN: He's asking about public
20 statements made about this issue. You can answer to
21 that extent.

22 A. Yes.

23 Q. And what is your recollection of those
24 concerns?

25 A. I just remember generally members in the



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| <p style="text-align: center;">129</p> <p>1 democratic caucus just raising those concerns generally.</p> <p>2 Q. Do you remember that for all four of the bills</p> <p>3 or are you thinking about a particular -- particular</p> <p>4 bill or session?</p> <p>5 A. I was thinking about last session, the 2011</p> <p>6 session.</p> <p>7 Q. Are you aware of any similar concerns with</p> <p>8 regard to the impact of the bill being raised by</p> <p>9 interest groups or advocacy groups in Texas?</p> <p>10 A. No.</p> <p>11 Q. How about constituents? Did you ever hear</p> <p>12 constituents express concern that SB14 or any of the</p> <p>13 three other bills we looked at would have a</p> <p>14 disproportionate impact on them as minority voters?</p> <p>15 A. No.</p> <p>16 Q. Are you familiar with the Voting Rights Act?</p> <p>17 A. Yes.</p> <p>18 Q. Are you familiar with Section 5, preclearance</p> <p>19 requirement under the Voting Rights Act?</p> <p>20 A. Yes. Generally.</p> <p>21 Q. What is your general understanding of the</p> <p>22 requirements of Section 5 of the Voting Rights Act?</p> <p>23 A. There are certain things that have to be</p> <p>24 precleared by the justice department if they impact the</p> <p>25 rights of minorities or protected groups to exercise the</p> | <p style="text-align: center;">131</p> <p>1 MR. SWEETEN: In answering the question,</p> <p>2 don't reveal your thoughts, mental processes about the</p> <p>3 legislation, and he's asking you for an analysis of</p> <p>4 that. In fact, I'm going to instruct you not to answer</p> <p>5 the question. It's legislatively privileged.</p> <p>6 MR. HARRIS: Let's take a very short break</p> <p>7 after which I expect to be able to conclude my</p> <p>8 questioning quickly.</p> <p>9 (Recess from 2:19 p.m. to 2:28 p.m.)</p> <p>10 Q. (BY MR. HARRIS) Ms. Davis, are you ready to go</p> <p>11 back on the record?</p> <p>12 A. Yes.</p> <p>13 Q. I appreciate your time, and I have just a few</p> <p>14 further questions. First is, we were talking before</p> <p>15 about -- Well, subject to many objections, my question</p> <p>16 was whether there were differences in number of the</p> <p>17 Republicans and Democrats who would possess the required</p> <p>18 form of photo ID. And my question is are you aware of</p> <p>19 any evidence in the public to the effect that either</p> <p>20 Republicans or Democrats would be more or less likely to</p> <p>21 possess the kinds of ID required under SB14?</p> <p>22 A. I'm not.</p> <p>23 Q. Are you aware of any -- Putting aside the</p> <p>24 specific substance of any discussions with legislators,</p> <p>25 are you aware of any discussions amongst legislators</p> |
| <p style="text-align: center;">130</p> <p>1 right to vote, something along those lines.</p> <p>2 Q. From your time in the House would you say that</p> <p>3 the legislature takes any steps to ensure that the bills</p> <p>4 they pass are in compliance with the Voting Rights Act?</p> <p>5 MR. SWEETEN: Objection. Legislative</p> <p>6 privilege. Don't answer the question.</p> <p>7 Q. Putting aside any particular piece of</p> <p>8 legislation, are you aware of any steps taken by the</p> <p>9 legislature to ensure compliance with the Voting Rights</p> <p>10 Act?</p> <p>11 MR. SWEETEN: Objection. To the extent it</p> <p>12 would call for her to reveal thoughts, mental</p> <p>13 impressions about a particular bill, do not answer that.</p> <p>14 You can refer to matters of the public record.</p> <p>15 A. I know that they have attorneys that probably</p> <p>16 look at, the ledge council.</p> <p>17 Q. When members of the democratic caucus raised</p> <p>18 concerns about impact of SB14 on minority voters, what</p> <p>19 was your opinion of those assessments by the democratic</p> <p>20 members?</p> <p>21 MR. SWEETEN: Do not answer. Legislative</p> <p>22 privilege. Instruct not to answer.</p> <p>23 Q. Do you have any understanding as to whether</p> <p>24 Democrats or Republicans would be more or less likely to</p> <p>25 possess the required forms of identification under SB14?</p> | <p style="text-align: center;">132</p> <p>1 concerning the proportion of Republicans and Democrats</p> <p>2 that would request the required forms of voter ID?</p> <p>3 A. You'll have to ask it again.</p> <p>4 MR. HARRIS: I'd ask that the court</p> <p>5 reporter read back the question, please.</p> <p>6 (Requested portion was read.)</p> <p>7 A. No.</p> <p>8 MR. HARRIS: I have nothing further at</p> <p>9 this time, but reserve the right to reopen the</p> <p>10 deposition subject to potential motions with respect to</p> <p>11 privilege, and, otherwise, I would turn it over to the</p> <p>12 United States to the extent it has questions.</p> <p>13 EXAMINATION</p> <p>14 BY MS. BERKOWER</p> <p>15 Q. Good afternoon, Ms. Davis. My name is Risa</p> <p>16 Berkower, and I'm here on behalf of the Attorney</p> <p>17 General, Eric Holder. I'll do my best not to cover any</p> <p>18 ground that Mr. Harris has already covered with you</p> <p>19 today.</p> <p>20 A. Okay.</p> <p>21 Q. I think to be clear though, when I use the term</p> <p>22 voter ID or photo ID, I'm going to use those terms</p> <p>23 interchangeably, and I want you to interpret them</p> <p>24 broadly to mean a requirement that a voter present a</p> <p>25 form of identification, whether it has a photo or</p> |



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| <p style="text-align: center;">133</p> <p>1 otherwise when voting in person before being permitted</p> <p>2 to vote by regular ballot. Does that make sense?</p> <p>3 A. Yes.</p> <p>4 Q. When I refer to the term minority voters, I</p> <p>5 mean voters that are non-white or non-Anglo. Does that</p> <p>6 make sense?</p> <p>7 A. Yes.</p> <p>8 Q. If you have any questions about what I'm trying</p> <p>9 to ask, just let me know and I'll try and rephrase.</p> <p>10 A. Okay.</p> <p>11 Q. So with regard to your duties when you were a</p> <p>12 parliamentarian, focusing on those right now, you said</p> <p>13 that you would provide advice to the speaker. Was</p> <p>14 that -- Just to be clear, was that limited only to</p> <p>15 procedural topics or was the advice ever substantive?</p> <p>16 A. Procedural.</p> <p>17 Q. Is the speaker bound to take your advice?</p> <p>18 A. No.</p> <p>19 Q. Why -- why -- Why not?</p> <p>20 A. Well, traditionally, the parliamentarian is an</p> <p>21 advisor to the speaker or to the presiding officer.</p> <p>22 Q. Does the speaker usually take the advice of a</p> <p>23 parliamentarian just generally in terms of your service?</p> <p>24 A. Generally, yes.</p> <p>25 Q. What is a parliamentary inquiry exactly?</p> | <p style="text-align: center;">135</p> <p>1 MS. BERKOWER: Yes.</p> <p>2 MR. SWEETEN: You can testify as to</p> <p>3 matters of public record.</p> <p>4 A. A bill is placed on the calendar by the</p> <p>5 calendar's committee and for consideration. That</p> <p>6 calendar lays out or is before the House 24 to 36 hours</p> <p>7 before it's taken up and then the -- then the speaker</p> <p>8 lays the bill out in the regular order of business.</p> <p>9 Q. Is every bill put -- brought up for a vote that</p> <p>10 makes that committee placed on a calendar?</p> <p>11 A. Ask me that again.</p> <p>12 Q. Is every bill that's placed on the calendar</p> <p>13 brought up for a vote?</p> <p>14 A. No.</p> <p>15 Q. When would a bill not be brought up for vote?</p> <p>16 MR. SWEETEN: You can answer as a matter</p> <p>17 of public record.</p> <p>18 A. May not be reached in time, could be postponed,</p> <p>19 a member may decide they don't want the bill to be</p> <p>20 brought up for a vote or just a variety of reasons.</p> <p>21 Q. Does the parliamentarian have a role in the</p> <p>22 decision of whether a bill is brought up for a vote?</p> <p>23 A. No.</p> <p>24 Q. Is House leadership ever involved in the</p> <p>25 decision if a bill will be brought up for a vote?</p> |
| <p style="text-align: center;">134</p> <p>1 A. That is a question that a member asks of the</p> <p>2 chair related to procedural issues before the House.</p> <p>3 Q. And what does the parliamentarian do when a</p> <p>4 parliamentary inquiry is made?</p> <p>5 A. The parliamentarian assists the speaker in</p> <p>6 answering the question.</p> <p>7 Q. Is that something that occurs on the record or</p> <p>8 off the record?</p> <p>9 A. Both.</p> <p>10 Q. How does -- How is it determined when it's on</p> <p>11 the record or off the record?</p> <p>12 A. It's up to the member.</p> <p>13 Q. In your memory has there been any instance in</p> <p>14 which the speaker has not taken your advice on the</p> <p>15 public record?</p> <p>16 A. You mean, where I've given the speaker</p> <p>17 confidential advice?</p> <p>18 Q. Well, I guess you said sometimes your advice is</p> <p>19 made on the record; is that accurate?</p> <p>20 A. Well, yes. I mean, the question is asked and</p> <p>21 then you advise the speaker between the two of you, but</p> <p>22 the parliamentarian never speaks on the record.</p> <p>23 Q. Oh, I see. And how does a bill get brought up</p> <p>24 for a vote exactly? What are the procedures there?</p> <p>25 MR. SWEETEN: In the House?</p> | <p style="text-align: center;">136</p> <p>1 A. You mean once it's on the calendar?</p> <p>2 Q. Yes.</p> <p>3 A. No.</p> <p>4 Q. When would House leadership be involved then?</p> <p>5 MR. SWEETEN: You can answer regarding</p> <p>6 matters of the public record. Don't reveal privilege.</p> <p>7 A. Well, the bill belongs to the individual</p> <p>8 member, so it's usually up to the member as to whether</p> <p>9 or not they want their bill brought up for a vote.</p> <p>10 Q. With regard to the voter ID legislation that</p> <p>11 came up before the House during the time you were a</p> <p>12 parliamentarian, 2005, 2007, 2009, is your</p> <p>13 responsibility solely procedural?</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever issue ruling papers during your</p> <p>16 time as a parliamentarian?</p> <p>17 A. Yes.</p> <p>18 Q. Are those public?</p> <p>19 A. Yes. They're in the journal. If the member</p> <p>20 requests a written ruling, it was placed -- requested a</p> <p>21 written ruling, it was placed in the journal.</p> <p>22 Q. Did you make any these publicly issued rulings</p> <p>23 during the time that voter ID -- or about any of the</p> <p>24 voter ID legislation?</p> <p>25 A. I don't remember.</p> |



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| <p style="text-align: center;">137</p> <p>1 Q. Does the parliamentarian ever assist with the</p> <p>2 development of legislation?</p> <p>3 A. Well, do you mean like the substantive drafting</p> <p>4 of it, things like that?</p> <p>5 Q. Sure, or anything else really.</p> <p>6 A. Rarely. They usually just review it once it's</p> <p>7 been written. They may -- They may review an amendment</p> <p>8 with a member to assist the member, but they usually</p> <p>9 don't draft legislation. That would be very unusual.</p> <p>10 Q. Do you remember ever drafting legislation?</p> <p>11 A. Not legislation, no.</p> <p>12 Q. What about amendments?</p> <p>13 A. Usually, no, I never draft it. I would review</p> <p>14 it and legislative council's on the floor to do that.</p> <p>15 Q. Is the assistance that you provide with the</p> <p>16 development of legislation as parliamentarian more</p> <p>17 procedurally oriented or would you provide substantive</p> <p>18 advice as well?</p> <p>19 A. No, it's procedural.</p> <p>20 Q. In your view as parliamentarian, are there any</p> <p>21 areas of procedure that impact substance of bills?</p> <p>22 MR. SWEETEN: You can answer as a general</p> <p>23 matter. Don't reveal privilege.</p> <p>24 A. It's usually issues of germaneness, different</p> <p>25 things like that and that is a procedural issue.</p> | <p style="text-align: center;">139</p> <p>1 members ever ask questions when they're developing</p> <p>2 legislation about certain procedural points that they</p> <p>3 need to address with their legislation?</p> <p>4 A. Yes.</p> <p>5 Q. What types of questions did they ask? What</p> <p>6 areas did they get into?</p> <p>7 MR. SWEETEN: In answering the question,</p> <p>8 don't reveal matters of privilege or anything with</p> <p>9 respect to a specific bill. If you cannot answer that</p> <p>10 question, then do not do so.</p> <p>11 A. Just one-subject issues, things like that.</p> <p>12 Does it comply with the one-subject rule, things like</p> <p>13 that .</p> <p>14 Q. What's the one-subject rule?</p> <p>15 A. The bill -- Under the constitution, a bill can</p> <p>16 only have one subject.</p> <p>17 Q. And is that how germaneness factors in?</p> <p>18 A. Or germaneness would be another procedural</p> <p>19 rule.</p> <p>20 Q. Just to be clear though, how is germaneness</p> <p>21 different from one subject?</p> <p>22 A. Well, there's constitutional germaneness and</p> <p>23 there is the -- the one-subject rule. It gets really</p> <p>24 confusing, but there's a germaneness rule in the rules</p> <p>25 and then there's one-subject rule.</p> |
| <p style="text-align: center;">138</p> <p>1 Q. But it impacts the substance because it's a</p> <p>2 question of what substance is germane to the bill topic.</p> <p>3 Is that what you mean?</p> <p>4 MR. SWEETEN: Objection. Vague.</p> <p>5 Objection. Calls for speculation.</p> <p>6 A. It's hard to know. I mean, some members may</p> <p>7 think it's substantive and some might not, so it's hard</p> <p>8 to know, but the parliamentarian is limited to</p> <p>9 interpreting whether or not the bills actually comply</p> <p>10 with the rules.</p> <p>11 Q. And one of the rules is germaneness.</p> <p>12 A. Is germaneness.</p> <p>13 Q. Now, you said you were also special counsel to</p> <p>14 the House. Is there any distinction between that</p> <p>15 position and the parliamentarian position?</p> <p>16 A. The special counsel deals with just a variety</p> <p>17 of things, sometimes open records, different things like</p> <p>18 that and legal issues.</p> <p>19 Q. As special counsel did you have any role with</p> <p>20 regard to development of legislation?</p> <p>21 A. No.</p> <p>22 Q. Legislative drafting, in that capacity?</p> <p>23 A. No.</p> <p>24 Q. And I guess I meant to ask this when we were</p> <p>25 speaking about your role as parliamentarian. Will</p> | <p style="text-align: center;">140</p> <p>1 Q. Okay. How would you generally distinguish</p> <p>2 between those when you were working on bills?</p> <p>3 A. Well, you're talking about --</p> <p>4 MR. SWEETEN: Hold on. When she's working</p> <p>5 on bills, how would she distinguish it? Just don't</p> <p>6 reveal matters regarding specific legislation in</p> <p>7 answering this question. You can reveal matters of</p> <p>8 general procedure if you can do so without revealing</p> <p>9 matters of privilege, okay?</p> <p>10 A. When you are talking about germaneness issues,</p> <p>11 you typically are talking about amendment to a bill, and</p> <p>12 when you are talking about the one-subject rule, you are</p> <p>13 talking about the entire bill and the subject of that</p> <p>14 particular piece of legislation.</p> <p>15 Q. Okay. Now, turning your time as chief of staff</p> <p>16 for Speaker Straus, when you were in that role did you</p> <p>17 ever participate in legislative drafting?</p> <p>18 MR. SWEETEN: You can answer yes or no.</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever participate in legislative</p> <p>21 drafting relating to voter ID legislation?</p> <p>22 A. No.</p> <p>23 Q. What district does Speaker Straus represent?</p> <p>24 A. 121.</p> <p>25 Q. Do you know what the demographics of that</p> |



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| <p style="text-align: center;">141</p> <p>1 district are?</p> <p>2 A. I know that it's mostly Republican and that's</p> <p>3 it.</p> <p>4 Q. Turning back to -- I think you testified</p> <p>5 earlier about the speaker's responsibilities concerning</p> <p>6 committee appointments. Does the parliamentarian have a</p> <p>7 role in committee appointments?</p> <p>8 A. Yes.</p> <p>9 Q. What is that role?</p> <p>10 A. The parliamentarian advises the speaker on</p> <p>11 seniority, different things like that.</p> <p>12 Q. Again, would that advice be more procedural</p> <p>13 rather than substantive?</p> <p>14 A. Yes.</p> <p>15 Q. And with regard to the creation of select</p> <p>16 committees, does the parliamentarian have a role in the</p> <p>17 creation of those committees?</p> <p>18 A. A procedural role, yes.</p> <p>19 Q. What about assignment of bills to the</p> <p>20 committee? Does the parliamentarian play a role in that</p> <p>21 assignment process?</p> <p>22 A. Yes.</p> <p>23 Q. What is that role?</p> <p>24 A. The parliamentarian --</p> <p>25 MR. SWEETEN: Don't reveal any matters</p> | <p style="text-align: center;">143</p> <p>1 Straus, do you remember when that occurred?</p> <p>2 A. Yes.</p> <p>3 Q. And as chief of staff did you have any</p> <p>4 responsibilities concerning materials that were</p> <p>5 distributed to the public from the speaker's office?</p> <p>6 MR. SWEETEN: Can you read that back?</p> <p>7 (Requested portion was read.)</p> <p>8 MR. SWEETEN: You can answer.</p> <p>9 A. Yes.</p> <p>10 Q. What responsibilities did you have?</p> <p>11 A. You mean, if we put something on the internet</p> <p>12 or things like that or letters or -- I'm not clear --</p> <p>13 Q. Yeah. Well, I'll be more specific. What about</p> <p>14 press releases? Did you have any responsibilities with</p> <p>15 regard to press releases?</p> <p>16 A. Well, the press secretary would distribute</p> <p>17 those.</p> <p>18 Q. Did you review them in any way?</p> <p>19 A. Occasionally I have.</p> <p>20 (US Exhibit 730 marked.)</p> <p>21 Q. I have what I guess we'll mark for this</p> <p>22 deposition as Exhibit 730, please. Have you seen this</p> <p>23 document before?</p> <p>24 A. I don't -- I don't remember seeing it, but --</p> <p>25 Q. Do you know what it is?</p> |
| <p style="text-align: center;">142</p> <p>1 related to specific legislation. You can answer</p> <p>2 generally if you can do so without answering</p> <p>3 specifically.</p> <p>4 A. The parliamentarian reviews bills and -- to see</p> <p>5 where they fit in the jurisdiction of the committees and</p> <p>6 advises the speaker if he has questions, things like</p> <p>7 that.</p> <p>8 Q. Can the House overrule a bill referral decision</p> <p>9 as a matter of procedure?</p> <p>10 A. I don't know. I've not seen that. I do not</p> <p>11 know.</p> <p>12 Q. What about the speaker? Can the speaker</p> <p>13 overrule a decision concerning bill referral?</p> <p>14 A. Well, it's the speaker's decision as to where</p> <p>15 the bills go, so --</p> <p>16 Q. Okay. So you are advising him and then he's</p> <p>17 choosing whether to take your advice or not.</p> <p>18 A. Yes.</p> <p>19 Q. He or she.</p> <p>20 A. Right.</p> <p>21 Q. Now, I know it's a little confusing just</p> <p>22 because we are kind of jumping around, and you've had</p> <p>23 different roles, but turning back to the creation of the</p> <p>24 select committee on voter identification and voter fraud</p> <p>25 in 2011 when you were the chief of staff for Speaker</p> | <p style="text-align: center;">144</p> <p>1 A. It's a -- It's a press release for</p> <p>2 committees -- committee assignments.</p> <p>3 Q. And was it released during your time as chief</p> <p>4 of staff for the speaker?</p> <p>5 A. If -- It's from the House website. I would say</p> <p>6 yes.</p> <p>7 Q. Okay. Turning your attention to just before on</p> <p>8 the first page of the exhibit, there is like a gap and</p> <p>9 two lines up from that it says, "Fast track select</p> <p>10 committee on voter identification, voter fraud." Do you</p> <p>11 see that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know -- Do you know what it means that</p> <p>14 this was labeled a fast track committee?</p> <p>15 A. I don't.</p> <p>16 Q. Have you ever seen a select committee be</p> <p>17 labeled a fast track committee before?</p> <p>18 A. No, I don't, and I don't -- I don't know that</p> <p>19 that's the correct title. That's the first time I</p> <p>20 remember seeing that. So I'm not sure why that's there.</p> <p>21 Q. Okay. Do you recall how many bills passed out</p> <p>22 of the select committee on the voter identification,</p> <p>23 voter fraud --</p> <p>24 A. No.</p> <p>25 (US Exhibit 731 marked.)</p> |



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| <p style="text-align: center;">145</p> <p>1 Q. I think this will be Exhibit 731, please. Do</p> <p>2 you know what this?</p> <p>3 A. Yes. It's a report that was printed out in</p> <p>4 June of this year, bill report.</p> <p>5 Q. What is the bill report referring to?</p> <p>6 A. Senate Bill 14.</p> <p>7 Q. Is a bill report specifically on Senate Bill 14</p> <p>8 or does it seek to list the number of bills out of the</p> <p>9 committee -- on the select committee on voter</p> <p>10 identification and voter fraud?</p> <p>11 A. It's just for Senate Bill 14 or it's all the</p> <p>12 bills that came out of committee, yes, that's true.</p> <p>13 Q. Okay. And how many bills came out of that</p> <p>14 committee?</p> <p>15 A. One.</p> <p>16 Q. That was Senate Bill 14?</p> <p>17 A. Yes.</p> <p>18 Q. So do you know if any other bills were</p> <p>19 considered by the select committee?</p> <p>20 A. I believe other bills were referred to the</p> <p>21 select committee at one point. I don't know if they</p> <p>22 actually took them up or not.</p> <p>23 Q. Do you know SB14, without revealing why, but do</p> <p>24 you know why SB14 was not referred to the elections</p> <p>25 committee?</p> | <p style="text-align: center;">147</p> <p>1 MR. SWEETEN: You can answer.</p> <p>2 A. Yes.</p> <p>3 Q. Who were those communications between?</p> <p>4 A. I don't -- I know that he conferred with</p> <p>5 different members. I don't know exactly who they were,</p> <p>6 what they discussed, but --</p> <p>7 Q. When you said he, who are you referring to?</p> <p>8 A. The speaker.</p> <p>9 Q. Do you know if the speaker conferred with the</p> <p>10 lieutenant governor's office about the creation of the</p> <p>11 select committee?</p> <p>12 A. I do not.</p> <p>13 Q. Do you know if the speaker conferred with the</p> <p>14 governor's office concerning the creation of the select</p> <p>15 committee?</p> <p>16 A. I don't.</p> <p>17 Q. Now, I think you testified that there was a</p> <p>18 period of time in 2007 through 2009 -- part of 2007</p> <p>19 through part of 2009 when you were not employed by the</p> <p>20 legislature; is that accurate?</p> <p>21 A. Yes.</p> <p>22 Q. Were you aware of a Supreme Court decision,</p> <p>23 Crawford versus Marion County Board of Elections that</p> <p>24 was issued during that time?</p> <p>25 A. No.</p> |
| <p style="text-align: center;">146</p> <p>1 A. No.</p> <p>2 Q. In your experience and all of your experience</p> <p>3 in the House is it unusual for a select committee to</p> <p>4 have overlapping jurisdiction with another committee?</p> <p>5 A. No.</p> <p>6 Q. Can you think of other select committees that</p> <p>7 had overlapping jurisdictions with other committees?</p> <p>8 MR. SWEETEN: You can answer as a general</p> <p>9 matter.</p> <p>10 A. School finance, emergency preparedness, special</p> <p>11 districts. There is a number of them. Those would be</p> <p>12 some examples.</p> <p>13 Q. Do you know of any other committees that passed</p> <p>14 only one bill out to the House?</p> <p>15 MR. SWEETEN: You can answer as a general</p> <p>16 matter.</p> <p>17 A. No, I don't. I don't know.</p> <p>18 Q. You don't know of any?</p> <p>19 A. I don't know if -- I don't know. There could</p> <p>20 be some, but I can't -- off the top of my head, I can't</p> <p>21 remember.</p> <p>22 Q. Without revealing the substance, are you aware</p> <p>23 of any communications between Speaker Straus or members</p> <p>24 of his office and other legislators concerning the</p> <p>25 creation of the select committee?</p> | <p style="text-align: center;">148</p> <p>1 Q. Did you become aware of that decision later on?</p> <p>2 A. No.</p> <p>3 Q. Are you familiar with that today?</p> <p>4 A. No.</p> <p>5 Q. If I told you that that decision concerned the</p> <p>6 constitutionality of a photo ID from Indiana, would that</p> <p>7 refresh your recollection at all?</p> <p>8 A. I vaguely remember them discussing a voter ID</p> <p>9 bill from Indiana, but I don't remember a court case</p> <p>10 about it.</p> <p>11 Q. Okay. So you testified earlier that you have</p> <p>12 some familiarity with the Federal Voting Rights Act; is</p> <p>13 that accurate?</p> <p>14 A. Very general.</p> <p>15 Q. General. Do you believe that compliance with</p> <p>16 the Federal Rights Voting Act is an important</p> <p>17 consideration of the law making process?</p> <p>18 MR. SWEETEN: Don't reveal matters of</p> <p>19 legislative privilege which would be matters that --</p> <p>20 mental impressions, thoughts, motivations regarding</p> <p>21 legislation. If in answering this question you would do</p> <p>22 so, do not answer the question, okay?</p> <p>23 A. Can you reread the question, please?</p> <p>24 Q. I can reread the question actually. Do you</p> <p>25 believe that compliance with the Federal Voting Rights</p> |



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1 Act is an important consideration in the law making
2 process?

3 A. Yes.

4 MS. BERKOWER: And, Patrick, just to be
5 clear, can you explain whose privilege -- legislative
6 privilege she is covered by here?

7 MR. SWEETEN: She's worked for the
8 speaker -- She worked for the speaker's office. He has
9 asserted legislative privilege. She has asserted
10 legislative privilege, therefore, in any answers to
11 questions, it's definitely subject to legislative
12 privilege.

13 MS. BERKOWER: I just want to make sure I
14 understand just because she has been in different roles
15 in the legislature.

16 MR. SWEETEN: And this question is about
17 the consideration of the voting rights bill, and, I
18 mean, your question was about Senate Bill 14, so,
19 clearly, that's legislatively privileged in that
20 context, so that's what I'm asserting.

21 MS. BERKOWER: That question didn't
22 mention Senate Bill 14. I was asking that as a general
23 matter, and she answered the question, but I know you've
24 been asserting legislative privilege on her behalf
25 throughout the day. I just want it to be clear.

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1 MR. SWEETEN: Understand, Ms. Davis has
2 had a number of jobs. She is an attorney, so there
3 would be an attorney-client privilege in many of those
4 instances that we would assert. She has worked for
5 legislative staff, and there is a legislative privilege.
6 She has worked for TLC. That is a legislative privilege
7 and an attorney-client privilege. So there are
8 multiple, multiple privileges that apply here with
9 respect to just I think each one of her jobs that she's
10 named, and she's -- also, as a private attorney, she
11 would have attorney-client privilege during that time
12 period. So she's had a variety of jobs, and there are
13 numbers of privileges, so I'm instructing her as to
14 privilege as I have today.

15 MS. BERKOWER: I understand. I just want
16 to be clear though. With regard to her time
17 specifically as parliamentarian, can you explain your
18 assertion of legislative privilege during that time
19 only? I understand with regard to the other positions
20 that she's held.

21 MR. SWEETEN: That is subject to the
22 legislative privilege. She provides advice to
23 legislators in that capacity. She's advising them, so I
24 would think that's subject both to the legislative
25 privilege and probably the attorney-client privilege.

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1 Q. (BY MS. BERKOWER) Okay. Thank you. Are you
2 familiar with the law -- a Federal law called the Help
3 America Vote Act?

4 A. No.

5 Q. Are you currently a member of any community
6 organizations or groups?

7 A. What do you mean by community organization?

8 Q. I guess I'll be more specific.

9 A. Okay.

10 Q. I'll ask you about a few of them specifically.

11 A. Okay.

12 Q. Are you familiar with a group called ALEC?

13 A. Yes.

14 Q. Are you a member of that group?

15 A. No.

16 Q. Have you ever been a member of that group?

17 A. No.

18 Q. During your time working for Speaker Straus did
19 you ever receive any documents from ALEC related to
20 voter ID?

21 A. Not my knowledge, no.

22 Q. Did ALEC ever offer you or Speaker Straus's
23 office any special assistance on voter ID legislation?

24 A. Not to my knowledge, no.

25 Q. Are you familiar with the national conference

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1 of state legislators?

2 A. Yes.

3 Q. Have you ever attended any of their meetings?

4 A. Yes.

5 Q. Do you remember when those were?

6 A. Well, I went to the national conference, just
7 their convention.

8 Q. When did you go?

9 A. Every year that I was parliamentarian and when
10 I was chief of staff, just to their national meeting.

11 Q. Do you recall attending any sessions concerning
12 voter ID?

13 A. No.

14 Q. Are there any other groups that focus on policy
15 advice or assistance to legislators that you have
16 belonged to?

17 A. No.

18 Q. Any other groups like that that you attend
19 meetings for?

20 A. No.

21 Q. I'm sorry for the pauses. I'm just trying to
22 skip over things I think you've already answered.

23 A. That's okay.

24 Q. So now jumping back in time a little bit to
25 2005 when you were parliamentarian --



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| <p style="text-align: center;">153</p> <p>1 A. Yes.</p> <p>2 Q. -- in the House. Were you present during all</p> <p>3 of the legislative public debates on HB1706?</p> <p>4 A. That was in 2005?</p> <p>5 Q. Yes.</p> <p>6 A. Yes, I would have been -- Yes. Yes, I would</p> <p>7 have been there.</p> <p>8 Q. During that time did you -- do you recall any</p> <p>9 of the public debates on that bill?</p> <p>10 A. I don't.</p> <p>11 Q. Do you recall if anyone expressed as part of</p> <p>12 the public record that the prevention of noncitizen</p> <p>13 voting was part of the purpose of voter ID bills?</p> <p>14 A. I don't remember.</p> <p>15 MS. BERKOWER: I asked about the public</p> <p>16 record. Don't worry.</p> <p>17 MR. SWEETEN: All right. And general</p> <p>18 purpose is fine.</p> <p>19 Q. Are you aware if any part of the purpose --</p> <p>20 overall purpose of HB1706 was to prevent noncitizens</p> <p>21 from voting?</p> <p>22 A. I don't know.</p> <p>23 Q. During the time that you were present during</p> <p>24 the public debates, were you -- do you remember any</p> <p>25 analysis presented as part of the public record</p> | <p style="text-align: center;">155</p> <p>1 HB218?</p> <p>2 A. I don't know.</p> <p>3 Q. Now, jumping forward again in time to 2009, do</p> <p>4 you know if any members of the House had a role in the</p> <p>5 development of SB362?</p> <p>6 A. I don't know.</p> <p>7 Q. Did you have a role in developing SB362?</p> <p>8 A. No. In 2009?</p> <p>9 Q. Yes.</p> <p>10 A. No. I think the only -- only member that</p> <p>11 probably would have been -- the member that I know of</p> <p>12 that actually would have been involved -- I take that</p> <p>13 back -- is probably Todd Smith, who was chair of the</p> <p>14 elections. Other than that, I do not know, and I did</p> <p>15 not have a role.</p> <p>16 Q. Okay. When a bill comes from -- Now, again,</p> <p>17 you were parliamentarian at this time?</p> <p>18 A. Right.</p> <p>19 Q. So when a bill comes from the Senate as opposed</p> <p>20 to being developed in the House, what is the role of the</p> <p>21 parliamentarian when it arrives?</p> <p>22 MR. SWEETEN: You can answer as a general</p> <p>23 matter.</p> <p>24 A. It gets referred to committee -- to the House</p> <p>25 committee.</p> |
| <p style="text-align: center;">154</p> <p>1 concerning whether any individual group of voters might</p> <p>2 be adversely impacted by HB1706?</p> <p>3 A. No, I don't remember.</p> <p>4 Q. Are you aware of any studies entered into the</p> <p>5 public record about the number of registered voters</p> <p>6 without allowable forms of ID under HB1706?</p> <p>7 A. No.</p> <p>8 Q. Jumping forward in time to 2007, were you</p> <p>9 present during the legislative debate on HB218?</p> <p>10 A. I don't -- Yes. I don't know if I was in the</p> <p>11 chair or what, but I would have been there in some</p> <p>12 capacity.</p> <p>13 Q. What are the circumstances in which you might</p> <p>14 not be in the chair?</p> <p>15 A. Go take a break or do something in the back or</p> <p>16 something.</p> <p>17 Q. Okay. In an issue of parliamentary procedure</p> <p>18 arose, would you go back to the chair or --</p> <p>19 A. Sometimes. Sometimes the deputy would take</p> <p>20 care of it and sometimes I would.</p> <p>21 Q. Do you recall any supporters of HB218 publicly</p> <p>22 indicate the bill was designed to keep noncitizens from</p> <p>23 voting?</p> <p>24 A. Not to my knowledge. I don't remember.</p> <p>25 Q. Do you know if that was part of the purpose of</p> | <p style="text-align: center;">156</p> <p>1 Q. Is the committee referral process similar to</p> <p>2 what happens when a bill is assigned to committee that's</p> <p>3 generated from the House?</p> <p>4 A. Yes.</p> <p>5 Q. So that's something that you would advise the</p> <p>6 speaker on?</p> <p>7 A. Yes.</p> <p>8 Q. Do you remember advising the speaker on SB362?</p> <p>9 A. Not specifically I don't.</p> <p>10 Q. Do you know what the purpose was of SB362?</p> <p>11 MR. SWEETEN: You can answer as to a</p> <p>12 general purpose, if you know.</p> <p>13 A. I don't know the general purpose of it.</p> <p>14 Q. Now, jumping again to 2010, and now at this</p> <p>15 point you were chief of staff for Speaker Straus, I</p> <p>16 think --</p> <p>17 A. Right.</p> <p>18 Q. -- starting in January.</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember any interim charges issued by</p> <p>21 the speaker to committees in 2010?</p> <p>22 A. We issued a -- I know we issued a number of</p> <p>23 charges over the interim, but I can't remember which</p> <p>24 ones we issued, but periodically you would issue a</p> <p>25 number of them.</p> |



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1 Q. What are the general circumstances under which
2 the speaker would issue interim charges?

3 MR. SWEETEN: You can answer if in doing
4 so you would not reveal matters of privilege.

5 A. Request of members or just issues that he
6 thinks are important or not or just a number of reasons.

7 Q. Do you remember if voter ID was one of the
8 interim -- if an interim charge was issued concerning
9 voter ID? Actually, I'll withdraw that. I'll restate
10 it.

11 Do you remember if Speaker Straus issued
12 an interim charge concerning voter fraud and voter
13 identification after the 2009 session?

14 A. I don't -- I don't believe that we did, but I
15 can't remember specifically. I don't think so.

16 (US Exhibit 732 marked.)

17 Q. This might refresh your recollection. Can we
18 mark this as Exhibit 732? I have to give it to her
19 first.

20 A. Yes, we did.

21 Q. What did the interim charge ask -- Well, who
22 was it issued to first?

23 A. It was issued to the elections committee, and
24 it says, "Examine the prevalence of fraud in Texas
25 elections, study new laws in other states regarding

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1 voter ID and recommend statutory changes to ensure that
2 only eligible voters can vote in Texas elections."

3 Q. What is -- As a general matter, when a report
4 like this comes to you in the legislature, is it
5 presented to the whole legislature? What happens with
6 it?

7 A. Well, it's made public. It's public
8 information, so it's presented to -- it's out there to
9 everyone, yes.

10 Q. Is there an expectation when an interim charge
11 is issued that the committee will also develop
12 legislation at the time that it's working on its report?

13 MR. SWEETEN: Don't reveal matters of
14 privilege including thought processes and motivations of
15 legislators in answering this question. If you can't do
16 so, do not answer it.

17 A. I think it depends on the member of the
18 committee in what they want to do.

19 Q. Do committees sometimes legislate at the same
20 time they were working on interim charge?

21 A. Sometimes.

22 Q. Do you know if in this case they did?

23 A. I don't.

24 Q. So Interim Charge No. 3, which you just read
25 out loud, does it specify what type of fraud the

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1 committee was to examine other than election fraud
2 generally?

3 A. It says, "The prevalence of fraud in Texas
4 elections." That's all it says.

5 Q. Is there more than one kind of fraud --
6 election fraud under Texas law; do you know?

7 A. I don't know.

8 Q. Do you know if there's such a thing as
9 in-person voter fraud?

10 A. I don't know.

11 Q. Turning to Page 27 of the report, which I think
12 is the third page of this excerpt, do you see that the
13 report seeks to summarize testimony provided to the
14 committee?

15 A. Yes.

16 Q. Do you see the third paragraph from the bottom,
17 the last sentence? Could you read that to yourself,
18 please -- or, actually, review the whole thing if you'd
19 like. I should have told you to do that. Sorry.

20 A. Okay.

21 Q. Would you agree that this is a summary of
22 testimony provided from Jay Dyer from the Attorney
23 General's office?

24 MR. SWEETEN: You can answer based on the
25 text of the document.

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1 A. Yes. It's the committee summary of his
2 testimony.

3 Q. And does the report state that, "To get a
4 complete picture of voter fraud in Texas, further
5 analysis is needed to gather additional information from
6 local election and law enforcement officials"?

7 A. Yes, it does.

8 Q. Do you know in fact if further analysis of that
9 nature was conducted?

10 A. I do not.

11 MR. SWEETEN: You can testify to matters
12 of the public record.

13 A. I don't know.

14 Q. Did the report conclude with a recommendation;
15 do you know? It's on Page 31.

16 A. Yes. On Page 31, there's a recommendation.

17 Q. What did the committee recommend?

18 A. "The committee recommends that the legislature
19 adopt legislation requiring voters to show photo
20 identification in order to cast a ballot at the polls."

21 Q. Does this recommendation suggest that
22 additional research should be conducted as to the extent
23 of voter fraud in Texas just based on this paragraph?

24 MR. SWEETEN: Just confine your answer as
25 to the text that she's showing you right now. Don't



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| <p style="text-align: center;">161</p> <p>1 reveal your thoughts and mental impressions.</p> <p>2 A. I don't know. I don't -- I can't tell from</p> <p>3 this recommendation what it does, but --</p> <p>4 Q. Well, does the text of this recommendation also</p> <p>5 recommend further study of the problem?</p> <p>6 A. I don't see a study in here, so I can't -- it</p> <p>7 just -- I don't see that in here.</p> <p>8 Q. Okay. Now, you testified earlier about SB14 --</p> <p>9 I think we're done with this exhibit for now.</p> <p>10 A. Okay.</p> <p>11 Q. You testified -- You were asked some questions</p> <p>12 about SB14.</p> <p>13 A. Right.</p> <p>14 Q. During your time as the chief of staff for</p> <p>15 Speaker Straus, you mentioned that there was another</p> <p>16 employee, Meredith Fowler, who was primarily responsible</p> <p>17 for voter ID; is that correct?</p> <p>18 A. Right.</p> <p>19 Q. She was deposed last week, and she said that</p> <p>20 she occasionally spoke with Speaker Straus about the</p> <p>21 issue, but not very frequently. Is it accurate to say</p> <p>22 you were an intermediary between her and Speaker Straus</p> <p>23 on that issue?</p> <p>24 A. From time to time.</p> <p>25 Q. So from time to time --</p> | <p style="text-align: center;">163</p> <p>1 A. No, I don't -- I don't remember.</p> <p>2 Q. Do you know what a military ID is?</p> <p>3 A. No, I don't.</p> <p>4 Q. During your time working on this issue for</p> <p>5 Speaker Straus, do you remember any communications</p> <p>6 concerning military IDs?</p> <p>7 A. No.</p> <p>8 Q. Do you know what a citizenship certificate is?</p> <p>9 A. No.</p> <p>10 Q. Do you recall receiving any information about</p> <p>11 citizenship -- excuse me -- a citizenship certificate --</p> <p>12 A. No.</p> <p>13 MS. BERKOWER: -- in Texas? Okay. And do</p> <p>14 you recall any instances in which you -- Actually, can</p> <p>15 we go off the record for a second?</p> <p>16 (Recess from 3:11 p.m. to 3:48 p.m.)</p> <p>17 Q. (BY MS. BERKOWER) So during your time as chief</p> <p>18 of staff for Speaker Straus, do you recall receiving any</p> <p>19 information from the Department of Public Safety</p> <p>20 about -- relating to voter identification?</p> <p>21 A. About voter identification?</p> <p>22 Q. Just relating to it generally.</p> <p>23 A. I don't remember. We got -- He got stuff about</p> <p>24 driver's license stuff all the time because we had a</p> <p>25 big -- a big DPS bill too, so I don't know if that was</p> |
| <p style="text-align: center;">162</p> <p>1 A. Yes.</p> <p>2 Q. -- you would --</p> <p>3 A. Yes.</p> <p>4 Q. -- you would replay information she told you to</p> <p>5 Speaker Straus?</p> <p>6 A. Right.</p> <p>7 Q. So I think you had gone through earlier some of</p> <p>8 the terms in SB14 concerning which ID it would permit</p> <p>9 voters to use at the polls; do you recall that?</p> <p>10 A. Yes.</p> <p>11 Q. And one of the types of ID is a driver's</p> <p>12 license from the Department of Public Safety; is that</p> <p>13 accurate?</p> <p>14 A. Yes, that's right.</p> <p>15 Q. Do you know how long a driver's license is</p> <p>16 valid for under Texas law?</p> <p>17 A. I think 12 years maybe. 6 or 12 years. I'm</p> <p>18 not sure.</p> <p>19 Q. Do you know if it's possible to renew your</p> <p>20 driver's license online?</p> <p>21 A. I'm going to be finding out, I think, this</p> <p>22 year, but I don't -- I don't know. I think you can.</p> <p>23 Q. Okay. Do you recall receiving any information</p> <p>24 on the length of time that a driver's license is valid</p> <p>25 from Ms. Fowler concerning voter ID?</p> | <p style="text-align: center;">164</p> <p>1 part of that or not.</p> <p>2 Q. Which DPS bill are you referring to?</p> <p>3 A. It was like a Homeland Security bill or</p> <p>4 something like that. I mean, we had a variety of bills</p> <p>5 related to driver's license stuff and all of that kind</p> <p>6 of stuff, but I don't know if that was voter ID or not.</p> <p>7 Q. Do you remember receiving any information</p> <p>8 concerning the wait times at DPS offices?</p> <p>9 A. Yes.</p> <p>10 MR. SWEETEN: I just want to interpose for</p> <p>11 the record that counsel and I have had an off-the-record</p> <p>12 discussion about a document that's been produced, and so</p> <p>13 she and I will sort that out after the deposition, that</p> <p>14 we've agreed to allow Ms. Davis to answer some questions</p> <p>15 based upon any sort of specific data about wait times.</p> <p>16 Confining it to those questions that are on the email</p> <p>17 that has been produced to counsel, we'll allow those</p> <p>18 questions, and I assume with respect to that -- I mean,</p> <p>19 we're still asserting legislative privilege as to -- as</p> <p>20 to her analysis and thought process regarding that, but</p> <p>21 pursuant to Page 7 of the court's order that learned</p> <p>22 counsel has pointed out to me, we think the fact of</p> <p>23 analysis, that that probably can be discovered. So</p> <p>24 we'll allow limited questioning as to the specific data.</p> <p>25 MS. BERKOWER: That's my understanding as</p> |



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| <p style="text-align: center;">165</p> <p>1 well of our conversation. I think there's also a few</p> <p>2 additional facts in that communication -- factual</p> <p>3 information provided by the Department of Public Safety.</p> <p>4 Would you permit questioning on that as well?</p> <p>5 MR. SWEETEN: Yeah. As to whether the</p> <p>6 fact of the analysis occurred, but not as to her</p> <p>7 thoughts or mental impressions or what she did or what</p> <p>8 she implied.</p> <p>9 Q. (BY MS. BERKOWER) That's my understanding.</p> <p>10 Thank you for that clarification. I don't remember what</p> <p>11 I asked you now. I think I asked if you had gotten any</p> <p>12 information about wait times.</p> <p>13 A. Yes.</p> <p>14 Q. Do you remember what that was?</p> <p>15 A. I remember asking how long it took to get a</p> <p>16 driver's license.</p> <p>17 Q. Do you remember what they told you?</p> <p>18 A. Three to four -- Depending on where you were in</p> <p>19 the state. I think longer in the urban areas or</p> <p>20 something like that, three hours.</p> <p>21 Q. Do you remember if there are any cities in</p> <p>22 particular that have long wait times?</p> <p>23 A. I remember hearing that the urban areas did,</p> <p>24 like Dallas and Houston, but I don't -- I don't know if</p> <p>25 they told me that or if I read it somewhere.</p> | <p style="text-align: center;">167</p> <p>1 probably the spring or something, I'm guessing.</p> <p>2 Q. Do you remember if it was before the House</p> <p>3 voted on SB14?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you remember if it was after the Senate</p> <p>6 passed SB14?</p> <p>7 A. I don't remember.</p> <p>8 Q. Okay. Thank you. I'm just trying to figure</p> <p>9 out where we were. Were you present for the House floor</p> <p>10 debate on SB14?</p> <p>11 A. I was in and out of the chamber during that</p> <p>12 time.</p> <p>13 Q. Were you present when amendments were offered</p> <p>14 and voted on for the bill?</p> <p>15 A. Most of the time I wasn't.</p> <p>16 Q. Did you receive updates on any amendments that</p> <p>17 were offered or voted on for the bill?</p> <p>18 A. Not -- Not really. I was in my office for most</p> <p>19 of it.</p> <p>20 Q. Is there any particular reason you were not</p> <p>21 present during that debate?</p> <p>22 A. Chief of staff is usually in the office -- in</p> <p>23 and out meeting with members, doing things in the back.</p> <p>24 Q. Do you know by any chance how many amendments</p> <p>25 were offered to SB14?</p> |
| <p style="text-align: center;">166</p> <p>1 Q. Do you know if DPS gave you information about</p> <p>2 its capacity to help members of the public with their</p> <p>3 transactions?</p> <p>4 A. Yes.</p> <p>5 Q. What was that information?</p> <p>6 A. I remember them saying that it was a personnel</p> <p>7 issue. They needed more money, more personnel.</p> <p>8 Q. Was that also relative to the number -- the</p> <p>9 increase in population state-wide?</p> <p>10 A. I don't remember that.</p> <p>11 Q. Do you know if the population in Texas has</p> <p>12 increased in the last 10 years?</p> <p>13 A. Yes.</p> <p>14 Q. Has it increased?</p> <p>15 A. Yes.</p> <p>16 Q. Has it increased?</p> <p>17 A. Yes, it has. Is that what you are asking me?</p> <p>18 Q. Yes.</p> <p>19 A. Okay.</p> <p>20 Q. Has it increased significantly?</p> <p>21 A. I don't know if it's been significant, but I</p> <p>22 know it has. I don't know the exact number.</p> <p>23 Q. Do you remember around when you received that</p> <p>24 information from DPS?</p> <p>25 A. Sometime in the -- during the session in the --</p> | <p style="text-align: center;">168</p> <p>1 A. I don't.</p> <p>2 Q. As a general matter -- And I think this might</p> <p>3 draw partly on your knowledge as parliamentarian. When</p> <p>4 or why would an amendment be withdrawn if there's --</p> <p>5 MR. SWEETEN: Objection. Compound. Also,</p> <p>6 don't reveal as to specific legislation as a general</p> <p>7 matter. If you can answer that question, I'll let you,</p> <p>8 but don't reveal matters about specific legislation.</p> <p>9 A. For any number of reasons, drafting error, no</p> <p>10 longer interested in the amendment, doesn't have the</p> <p>11 votes or doesn't do what it wanted, just what the member</p> <p>12 wanted, a number of reasons.</p> <p>13 Q. As a procedural matter if the amendment is</p> <p>14 voted down, can it be reintroduced?</p> <p>15 A. Yes.</p> <p>16 Q. How does that happen?</p> <p>17 A. You would have to reconsider the vote. You</p> <p>18 would have to do a reconsideration of the vote.</p> <p>19 Q. Is it possible that a member might withdraw an</p> <p>20 amendment if they didn't have the votes and then</p> <p>21 reintroduce it later when they did have the votes?</p> <p>22 MR. SWEETEN: You can answer it as a</p> <p>23 general matter. Do not reveal the substance of the</p> <p>24 legislation.</p> <p>25 A. Generally, yes.</p> |



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1 Q. Do you know -- Would you say that the amendment
2 process for SB14 was typical of bills considered by the
3 House?

4 MR. SWEETEN: Amendment process of 14, I
5 think that's requiring her to put in a value judgment as
6 to whether it was out of the ordinary. I think that
7 would require her to reveal matters of privilege. I
8 would instruct her not to answer on that basis.

9 Q. Okay. Are you following his instruction?

10 A. Yes.

11 Q. If I told you there were 70 amendments offered
12 to SB14, would you view that as a higher or lower
13 number -- a high number of amendments or a low number of
14 amendments?

15 MR. SWEETEN: I can let her answer as a
16 general amendment whether she thinks 70 amendments is
17 high or low, but I don't think the way it's phrased as
18 to Senate Bill 14 I can allow it.

19 MS. BERKOWER: I'll rephrase it then.

20 THE WITNESS: Okay.

21 Q. (BY MS. BERKOWER) Is 70 a high number of
22 amendments?

23 A. It's hard to say. I mean, I've had
24 amendment -- bills with 800 amendments.

25 Q. What types of bills were those?

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1 A. General government bills, budget bills, tort
2 bills. Number of bills.

3 Q. For a bill the size of SB14, speaking as a
4 general matter, would 730 be a high number of
5 amendments?

6 A. I think it depends on who you ask. You know, I
7 don't view that as a lot of amendments, but it just
8 depends. I mean, some people might. That will just be
9 my opinion.

10 Q. Do you remember what the publicly articulated
11 purpose for many of the amendments was for SB14?

12 A. No, I don't.

13 Q. Do you remember if any of the amendments
14 offered to SB14 were included in the final bill?

15 A. I don't know.

16 Q. Now, I think you testified earlier about a
17 conference committee.

18 A. Yes.

19 Q. Conference committees in general. I don't
20 remember if you answered this question. Do you know how
21 the presiding officer is chosen for a conference
22 committee?

23 A. You mean, how the chair of the conference
24 committee is chosen?

25 Q. Yes.

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1 MR. SWEETEN: She just said do you know
2 how it's done, so you can just answer yes or no.

3 A. Yes.

4 Q. Is there any non-privileged reason or
5 explanation you can provide as to how that happens?

6 MR. SWEETEN: Don't reveal the thought
7 processes, mental impressions of why those are done.

8 A. There is no -- there is no -- I mean, it
9 just -- usually it's someone that carried the bill or
10 that has been involved or people that have been involved
11 with the issue along those lines, expertise.

12 Q. Is there any limit of what the conference
13 committee can do with the bill?

14 A. Yes.

15 Q. What are those limits?

16 MR. SWEETEN: You can answer as to general
17 parliamentary procedures of matters of public record.

18 A. That's in Rule 13, Section 9 or somewhere.
19 It's specific in the rules as to what the jurisdiction
20 of the conference committees -- what their jurisdictions
21 are and what they can and can't do.

22 Q. What happens if the conference committee
23 exceeds its jurisdiction?

24 A. They have to get permission from the House or
25 the Senate or both. They have to get permission to go

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1 outside the bound of their jurisdiction.

2 Q. Do you know if that happened for the House with
3 regard to SB14, whether they sought that permission?

4 A. I don't remember off the top of my head. I'd
5 have to look at --

6 Q. I think there's an exhibit that Mr. Harris
7 introduced.

8 A. Yeah.

9 MR. HARRIS: Exhibit 13.

10 MS. BERKOWER: Thank you.

11 A. Yes.

12 Q. They did seek to do that in the House?

13 A. Yes.

14 Q. Did they seek to do that in the Senate?

15 A. Yes.

16 Q. Was that permission granted? Just for the
17 record, she's looking at a public record, Exhibit 13, so
18 you can answer based on the public record.

19 A. Yes, it was.

20 Q. It was granted for both houses?

21 A. Yes.

22 Q. How -- Just as a general matter, how is the
23 decision made whether a conference committee has
24 exceeded its jurisdiction?

25 A. That is -- I think that's usually done



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| <p style="text-align: center;">173</p> <p>1 between -- that's between the sponsor and legislative</p> <p>2 counsel and their legal advice and -- and the</p> <p>3 parliamentarian.</p> <p>4 Q. Do you know what factors are considered when</p> <p>5 that decision is made?</p> <p>6 A. I think they look at each individual thing and</p> <p>7 it's hard to know.</p> <p>8 Q. Did you ever have to make such decisions when</p> <p>9 you were a parliamentarian?</p> <p>10 A. I would sometimes advise members that they --</p> <p>11 that they were going outside of the bounds and that they</p> <p>12 should probably have a resolution, yes.</p> <p>13 (US Exhibit 733 marked.)</p> <p>14 MS. BERKOWER: Okay. I have what will be</p> <p>15 marked 733. Can we go off the record for one second?</p> <p>16 (Recess from 4:00 p.m. to 4:01 p.m.)</p> <p>17 Q. (BY MS. BERKOWER) Do you recognize this</p> <p>18 document?</p> <p>19 A. I don't, but it's -- I don't remember it. It's</p> <p>20 an email from Rhonda Trumble to me.</p> <p>21 Q. Do you know who Rhonda Trumble is?</p> <p>22 A. I assume she works for DPS.</p> <p>23 Q. And what did she do in this email?</p> <p>24 A. It looks to me like she was giving us just a</p> <p>25 general update on driver's licenses and what they were</p> | <p style="text-align: center;">175</p> <p>1 about legislation, then don't reveal.</p> <p>2 A. I don't remember.</p> <p>3 Q. Do you know if these design changes were ever</p> <p>4 implemented?</p> <p>5 A. I don't.</p> <p>6 Q. And do you know what these design changes are</p> <p>7 referring to, which types of IDs?</p> <p>8 A. I don't.</p> <p>9 Q. Based on the document, it looks like they refer</p> <p>10 to limited term driver's licenses; is that accurate?</p> <p>11 A. Yes. Yes, it does. Number one says that it's</p> <p>12 for a limited term.</p> <p>13 Q. Do you know who receives limited term driver's</p> <p>14 licenses?</p> <p>15 A. I don't.</p> <p>16 Q. Turning to the -- Well, turning to the second</p> <p>17 page, there's an item marked Item 3. Can you just</p> <p>18 review that paragraph? Let me know when you are done.</p> <p>19 A. Yes, I'm done.</p> <p>20 Q. Do you remember if one of the issues raised in</p> <p>21 the public record during the consideration of SB14 was</p> <p>22 the availability of driver's license facilities to</p> <p>23 provide identification required by the bill?</p> <p>24 A. I don't remember that specifically, but -- it's</p> <p>25 possible, but I don't remember.</p> |
| <p style="text-align: center;">174</p> <p>1 doing with the driver's license program and updating</p> <p>2 it -- just giving us an update.</p> <p>3 Q. Do you see the part -- It looks like there's</p> <p>4 some bullet points on the -- toward the bottom of the</p> <p>5 page.</p> <p>6 A. Yes.</p> <p>7 Q. And it looks like those bullet points refer to</p> <p>8 design changes to the license. Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Do you see it says they removed all references</p> <p>11 to temporary or visitor from the face of the driver's</p> <p>12 license and ID cards?</p> <p>13 A. Yes.</p> <p>14 Q. And two bullets down from that it says they</p> <p>15 updated the limited term licenses to be of a horizontal</p> <p>16 orientation comparable to other driver's licenses and</p> <p>17 IDs? Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know what those bullet points are</p> <p>20 referring to aside from this email?</p> <p>21 MR. SWEETEN: In answering the question,</p> <p>22 don't reveal any thought processes you had pre -- This</p> <p>23 is an email from after the enactment, but if answering</p> <p>24 the questions would require to you reveal your</p> <p>25 pre-enactment thoughts, mental processes or opinions</p> | <p style="text-align: center;">176</p> <p>1 Q. Do you remember if one of the issues raised in</p> <p>2 the public record was that there were not many</p> <p>3 facilities available in urban areas?</p> <p>4 A. No, I don't remember that.</p> <p>5 Q. You did remember though DPS informed you that</p> <p>6 wait times in urban areas were very long?</p> <p>7 A. Right. Yes, I do remember that.</p> <p>8 Q. And this paragraph indicates that the</p> <p>9 legislature included funding for DPS to open six mega</p> <p>10 centers to better serve customers. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know if that relates to a concern that</p> <p>13 there was long wait times in certain areas?</p> <p>14 MR. SWEETEN: I think that would implicate</p> <p>15 matters of privilege, if you are asking if it was in</p> <p>16 response. If this was addressed in response to that</p> <p>17 would require her to reveal legislatively privileged</p> <p>18 information. So my instruction would be don't answer</p> <p>19 the question.</p> <p>20 Q. Okay. Are you following his advice?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Do you see the last line of the last</p> <p>23 sentence of that paragraph says, "We were not able to</p> <p>24 find a location that was already built and able to give</p> <p>25 us a 10-year lease, so this location is a new build and</p> |



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1 the facility will be built specifically to suit our
2 office needs?"

3 A. Yes.

4 Q. And that was in reference to a mega center in
5 the San Antonio area based on this document?

6 A. Yes.

7 MR. SWEETEN: You can answer based on the
8 document itself.

9 Q. Does that -- Does that sentence imply that
10 there's going to be some time before the facility is
11 ready?

12 MR. SWEETEN: You can testify as to what's
13 in the text of the letter, but don't reveal your
14 thoughts and mental impressions.

15 A. I really don't know.

16 Q. It will have to be built specifically to suit
17 the office needs?

18 MR. SWEETEN: Same instruction.

19 A. I don't know how long it would take to do that.

20 Q. Okay. Earlier today you said you would
21 sometimes talk on the phone with the Senate
22 parliamentarian to make sure that bills were moving or
23 there was an efficient movement of bills; is that
24 accurate?

25 A. Yes.

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1 Q. How often did you speak with her on that issue?

2 A. Once or twice a week maybe. Not often, you
3 know, unless it was a specific bill, but not much.

4 Q. Like when would you -- Was there a scheduled
5 meeting that you would have with her or no?

6 A. No. Usually if we were coordinating -- if
7 there was a bill on the floor that -- towards the end of
8 the session maybe, if we were doing the conference
9 committee report or adopting, so it was sort of
10 sporadic, frankly. We didn't have regular meetings.

11 Q. Was it -- Was there any instance in which these
12 conversations would occur where a bill was going to move
13 from one House to the other?

14 MR. SWEETEN: Just the existence of the
15 conversation.

16 A. Yes.

17 Q. Did you have any of those conversations
18 concerning any of the voter ID legislation?

19 A. Oh, I don't remember.

20 Q. You said earlier that generally bills are given
21 a bill number in the House in the order in which they
22 are introduced.

23 A. That's generally true.

24 Q. When would that not be true?

25 A. There's a -- Sometimes there are -- low bill

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1 numbers are reserved for the speaker's office and that's
2 been the tradition for, you know, many, many years.

3 Q. So how do those bill numbers get assigned?

4 MR. SWEETEN: Don't reveal the process by
5 which or --

6 THE WITNESS: Right.

7 MR. SWEETEN: You can reveal matters of
8 public record in answering that.

9 A. The speaker has those numbers, and then they
10 assign numbers just depending on who would -- you know,
11 members request the numbers. They usually request a
12 number.

13 Q. Can you give an example of where a bill was
14 filed and then refiled with a lower bill number from the
15 speaker's office?

16 MR. SWEETEN: If it's a public record, you
17 can.

18 A. Well, refiled?

19 Q. How do they get the lower bill number? Do they
20 get it upon filing or do they have to re-file it or how
21 does that work?

22 A. I don't know. I mean, it just varies. I mean,
23 the appropriations bill is always number one. That's
24 just tradition. So sometimes members will request a low
25 bill number, and if it's available, the speaker will

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1 give it to the member.

2 Q. Okay. Are any of the low bill numbers given to
3 voter ID legislation by the speaker; do you know?

4 A. I don't remember.

5 Q. You said earlier that a bill might be sent to
6 Senate with a message.

7 A. M-hm.

8 Q. Can you explain more about what a message is?

9 A. It's just -- it's just -- That's what it's
10 called. It's like a notice. It's just saying we've
11 passed these bills, who they are. So it doesn't really
12 have any substance. It's just a notification to the
13 Senate that we've taken action on a particular bill.

14 Q. Does every bill get a message?

15 A. They all go over. It's called going over on a
16 message, so they all go over on a message from the House
17 sergeant.

18 Q. Okay. I think there was some testimony that
19 you gave earlier about this amendment being germane.

20 A. M-hm.

21 Q. What are the factors as House parliamentarian
22 that you considered when assessing whether a bill was
23 germane?

24 MR. SWEETEN: If these are matters of the
25 public record and not matters of privilege, then you can



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| <p style="text-align: center;">181</p> <p>1 refer to them. If it reveals your thought process about</p> <p>2 specific legislation, then do not.</p> <p>3 A. The parliamentarian looks at the precedent text</p> <p>4 of the bill and the text of the amendment.</p> <p>5 Q. Is it an exercise of the parliamentarian's</p> <p>6 discretion?</p> <p>7 A. It's really the speaker's discretion, speaker's</p> <p>8 decision.</p> <p>9 Q. Okay. The parliamentarian makes a</p> <p>10 recommendation to the speaker for that as well?</p> <p>11 A. Correct.</p> <p>12 Q. Do you know if House members as a general</p> <p>13 matter ever try to make amendments that aren't germane</p> <p>14 to harm a bill?</p> <p>15 A. Yes, they do.</p> <p>16 Q. Can you think of any instances in which that</p> <p>17 has happened?</p> <p>18 MR. SWEETEN: You can refer to matters of</p> <p>19 the public record.</p> <p>20 A. There are probably lot of examples. I can't</p> <p>21 think of any off the top of my head, but it does happen.</p> <p>22 Q. When they do that, is the idea that they would</p> <p>23 introduce something controversial or how exactly do they</p> <p>24 go about doing that, I guess?</p> <p>25 A. Well --</p> | <p style="text-align: center;">183</p> <p>1 how many minority voters are in possession of a</p> <p>2 concealed handgun license?</p> <p>3 A. I don't know.</p> <p>4 Q. Are you aware of any existing document or</p> <p>5 report in the public record that identifies how many</p> <p>6 Texas voters are in possession of a US military card?</p> <p>7 A. No, I don't know.</p> <p>8 Q. Do you know of any existing document or report</p> <p>9 in the public record that identifies how many minority</p> <p>10 voters are in possession of a -- minority voters in</p> <p>11 Texas are in possession of a US military card?</p> <p>12 A. I do not.</p> <p>13 Q. Are you aware of any existing document or</p> <p>14 report in the -- in the public record that identifies</p> <p>15 how many Texas voters are in possession of a passport?</p> <p>16 A. No, I don't.</p> <p>17 Q. Are you aware of any existing document or</p> <p>18 report that identifies how many Texas minority voters</p> <p>19 are in possession of a passport?</p> <p>20 A. I do not.</p> <p>21 Q. In your view, is one of the purposes of SB14 to</p> <p>22 increase public confidence in elections?</p> <p>23 MR. SWEETEN: Objection. You can provide</p> <p>24 the general purpose of the bill and -- but that's it,</p> <p>25 okay?</p> |
| <p style="text-align: center;">182</p> <p>1 MR. SWEETEN: Same instruction.</p> <p>2 A. -- I think they just try to get the amendment</p> <p>3 adopted and see what happens.</p> <p>4 Q. Is the position of parliamentarian a partisan</p> <p>5 position?</p> <p>6 A. No.</p> <p>7 Q. Is it viewed specifically as a nonpartisan</p> <p>8 position?</p> <p>9 A. Yes.</p> <p>10 Q. And you provide -- as parliamentarian, the</p> <p>11 parliamentarian provides advice to any member who asks;</p> <p>12 is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know of any instances -- Well, actually,</p> <p>15 I won't ask that. I'm getting close to the end.</p> <p>16 So given all of the knowledge you have of</p> <p>17 the public record about voter ID legislation, any bill</p> <p>18 that's come up during your time as either</p> <p>19 parliamentarian or Speaker Straus's chief of staff, are</p> <p>20 you aware of any existing document or report in the</p> <p>21 public record that identifies how many Texas voters are</p> <p>22 in possession of a concealed handgun license?</p> <p>23 A. I don't know.</p> <p>24 Q. And, again, do you know if there's any existing</p> <p>25 document or report in the public record that identifies</p> | <p style="text-align: center;">184</p> <p>1 A. The general purpose is to -- to -- just to</p> <p>2 ensure integrity of the elections. That's my</p> <p>3 understanding of the bill.</p> <p>4 Q. What is the evidence in the public record that</p> <p>5 supports that SB14 will in fact increase the integrity</p> <p>6 of elections?</p> <p>7 MR. SWEETEN: Don't answer the question.</p> <p>8 Calls for matters of legislative privilege. Instruct</p> <p>9 not to answer.</p> <p>10 MS. BERKOWER: I asked in the public</p> <p>11 record.</p> <p>12 MR. SWEETEN: No. You asked her what is</p> <p>13 the evidence in the public record that shows that Senate</p> <p>14 Bill 14 will accomplish its purpose which it asks for</p> <p>15 analysis and she can't provide it.</p> <p>16 Q. I'll rephrase that. I'm sorry. Do you know of</p> <p>17 any evidence in the public record -- Well, actually,</p> <p>18 I'll rephrase that. Do you know of any analysis or</p> <p>19 study in the public record that concludes that voter</p> <p>20 identification would enhance public confidence in</p> <p>21 elections?</p> <p>22 A. I don't.</p> <p>23 Q. At any time since the passage of SB14, have you</p> <p>24 come to believe it was passed with any discriminatory</p> <p>25 purpose?</p> |

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| <p style="text-align: center;">185</p> <p>1 A. No.</p> <p>2 Q. At any time since the passage of SB14, have you</p> <p>3 come to believe that SB14 will have a retrogressive</p> <p>4 effect on minority voters?</p> <p>5 A. I don't. Not to my knowledge, no.</p> <p>6 Q. If you are called to trial would you testify</p> <p>7 that SB14 has no discriminatory purpose?</p> <p>8 MR. SWEETEN: She's already testified as</p> <p>9 to the general purpose and limited to general purpose of</p> <p>10 legislation, she's answered that.</p> <p>11 THE WITNESS: What does that mean?</p> <p>12 MS. BERKOWER: Are you instructing her not</p> <p>13 to answer?</p> <p>14 MR. SWEETEN: That means with respect to</p> <p>15 the question, she's already defined what the general</p> <p>16 purpose is and would be then a question of whether she's</p> <p>17 going to be called at trial, which isn't something she</p> <p>18 knows, but, I mean, she's already testified to the</p> <p>19 general purpose of the bill. I think the predicate of</p> <p>20 your question is sort of trial strategy, are we going to</p> <p>21 call her to trial. At any rate, I'll just let you</p> <p>22 answer the question as phrased.</p> <p>23 A. Ask it again, please.</p> <p>24 Q. I said if you are called to trial would you</p> <p>25 testify that SB14 has no discriminatory purpose?</p> | <p style="text-align: center;">187</p> <p>1 MR. SWEETEN: Okay. I don't have anything</p> <p>2 else. Thank you.</p> <p>3 (Deposition concluded at 4:19 p.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| <p style="text-align: center;">186</p> <p>1 A. Yes. I would testify to that.</p> <p>2 Q. If you are called to trial would you testify</p> <p>3 that SB14 has no discriminatory effect?</p> <p>4 A. Yes. To my knowledge, I don't believe it does.</p> <p>5 Q. Are there any answers you've given today that</p> <p>6 you would like to change?</p> <p>7 A. No.</p> <p>8 Q. Is there any information that you recall now</p> <p>9 that you did not recall earlier today?</p> <p>10 A. No.</p> <p>11 Q. Is there anything else you want to share about</p> <p>12 SB14?</p> <p>13 MR. SWEETEN: Objection. Vague.</p> <p>14 A. No.</p> <p>15 MS. BERKOWER: Okay. I think that's the</p> <p>16 end of my questioning of this witness.</p> <p>17 MR. SWEETEN: I just have a few.</p> <p>18 EXAMINATION</p> <p>19 BY MR. SWEETEN</p> <p>20 Q. In 2011, did you -- was there a substantial</p> <p>21 portion of the Senate proceedings that you did not see?</p> <p>22 A. That's correct. I did not.</p> <p>23 Q. And is that the same with respect to the House</p> <p>24 committee hearings?</p> <p>25 A. Yes.</p> | <p style="text-align: center;">188</p> <p>1 CHANGES AND SIGNATURE</p> <p>2 RE: STATE OF TEXAS VS. TEXAS STATE CONFERENCE OF NAACP</p> <p>3 BRANCHES, et al</p> <p>4 PAGE LINE CHANGE REASON</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 I, DENISE DAVIS, have read the foregoing deposition</p> <p>13 and hereby affix my signature that same is true and</p> <p>14 correct, except as noted above.</p> <p>15 DENISE DAVIS, Witness</p> <p>16 THE STATE OF _____)</p> <p>17 COUNTY OF _____)</p> <p>18 Before me, _____, on this day</p> <p>19 personally appeared DENISE DAVIS, known to me (or proved</p> <p>20 to me under oath or through _____)</p> <p>21 (description of identity card or other document) to be</p> <p>22 the person whose name is subscribed to the foregoing</p> <p>23 instrument and acknowledged to me that they executed the</p> <p>24 same for the purposes and consideration therein</p> <p>25 expressed.</p> <p>Given under my hand and seal of office this _____</p> <p>day of _____, _____.</p> <p>Notary Public in and for the State</p> <p>of _____.</p> |



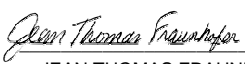

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA

3 STATE OF TEXAS,)
4 Plaintiff,)
5 VS.) CASE NO. 1:12-CV-00128
6) (RMC-DST-RLW)
7 ERIC H. HOLDER, JR., in his) Three-Judge Court
8 official capacity as Attorney)
9 General of the United States,) Defendant.)
10 ERIC KENNIE, et al.,)
11 Defendant-Intervenors,)
12 TEXAS STATE CONFERENCE OF)
13 NAACP BRANCHES, et al.,)
14 Defendant-Intervenors,)
15 TEXAS LEAGUE OF YOUNG VOTERS)
16 EDUCATION FUND, et al.,)
17 Defendant-Intervenors,)
18 TEXAS LEGISLATIVE BLACK)
19 CAUCUS, et al.,)
20 Defendant-Intervenors,)
21 VICTORIA RODRIGUEZ, et al.,)
22 Defendant-Intervenors.)
23 REPORTER'S CERTIFICATE
24 ORAL DEPOSITION OF DENISE DAVIS
25 JUNE 14, 2012
I, JEAN THOMAS FRAUNHOFER, the undersigned Certified
Shorthand Reporter in and for the State of Texas,
certify that the facts stated in the foregoing pages are

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1 true and correct.
2 I further certify that I am neither attorney or
3 counsel for, related to, nor employed by any parties to
4 the action in which this testimony is taken and,
5 further, that I am not a relative or employee of any
6 counsel employed by the parties hereto or financially
7 interested in the action.
8 SUBSCRIBED AND SWORN TO under my hand and seal of
9 office on this the 18th day of June, 2012.

10
11  
12 JEAN THOMAS FRAUNHOFER
13 Texas CSR 7990
14 Expiration Date: 12/31/12
15 ESQUIRE DEPOSITION SERVICES
16 Firm Registration No. 77
17 9901 IH-10 West, Suite 800
18 San Antonio, Texas 78230
19 Tel: (210) 331-2280
20
21
22
23
24
25



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Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com